

Internal Revenue Service

Department of the Treasury

Washington, DC 20224

Mr. James Brennan  
Special Office for  
Defense Discovery  
Room 4859, Hoover Building  
Federal Bureau of Investigation  
Washington, DC 20535

Person to Contact:

Telephone Number:  
(202) 566-4912

Refer Reply to:  
TX:D:F 79-M-177

Date:

b6  
b7C

20 JUL 1979

Dear Mr. Brennan:

This refers to your memorandum dated June 11, 1979, in which you transmitted two unclassified Bureau memoranda in connection with the case of United States v. L. Patrick Gray, III et al for our disclosure recommendation.

We have reviewed the information relating to the Internal Revenue Service contained in your documents and have no objection to its disclosure. However, since these are Bureau documents, the ultimate decision to disclose rests with your agency.

Sincerely yours,

*M. Farbrum*

Chief  
Freedom of Information Branch

Enclosure  
Unclassified FBI memo  
dated 9-30-65 and attachment

62-118045

*attached original*

*Copies furnished*

*8/22/79*

*no receipt*

Greenberg/Gray-5454

b6  
b7C

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

~~TOP SECRET~~

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

ROUTE IN ENVELOPE

JUNE

DATE:

9/30/65

MR. BELMONT

W. C. Sullivan

SUBJECT: SPECIAL INVESTIGATIVE  
TECHNIQUES

cc Mr. Belmont Mr. Conrad  
Mr. Mohr Mr. Felt  
Mr. Casper Mr. Sullivan  
Mr. Rosen Mr. Baumgardner  
Mr. Gale Mr. Donohue

Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

In the attached memorandum you recommended that we prepare for the Director's approval our suggested use of special investigative techniques. In the use of these various techniques, we intend to be most circumspect and cautious and there is set forth below the policy we propose to follow in connection with their use.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs  
Pages 1 and 4 only

RECEIVED EXAMINATION DIVISION

109-I-8  
JUL 17 1979

EXAMINATION SYSTEMS BRANCH

TAX DISCLOSURE BRANCH  
IX-D:T

JUN 12 1979

DISCLOSURE OPERATIONS DIVISION

Division TX:D:F

JUN 11 1979

Division of Information

Greenberg/Gray-5455

~~CONFIDENTIAL~~

Memorandum to Mr. Belmont  
SPECIAL INVESTIGATIVE TECHNIQUES

INCOME TAX INFORMATION

We have in the past been able to obtain from the Internal Revenue Service, on a highly confidential basis, information from income tax records of considerable value in our investigations. This practice was recently discontinued. In view of the Attorney General's observations that this type of information can and should be obtained from the Internal Revenue Service, we will resume obtaining it, but will present the facts in each case to the Director for his approval before doing so.

*inf*

RECOMMENDATION:

If you approve, we will carry out these procedures in line with the policy outlined above.

*CB*

*7/1/56*

*W.C.S.*

*Q*

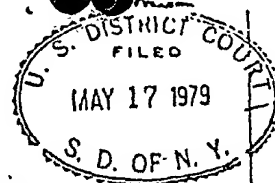
*Forward authority  
for use of any of the  
above to be obtained  
here & not left to  
discretion of any  
Doc.*

*4*

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



UDITH CLARK, et al.,

Plaintiffs,

- against -

UNITED STATES OF AMERICA, et al.,

Defendants.

ATTENDED  
PROTECTIVE ORDER

78 Civ. 2244 (MEL)

Plaintiffs having moved this Court for an order to  
protect the discovery process and to further the interests of  
justice, and the Court having duly considered the matter, it  
is ORDERED that:

1. No document identifiable with any plaintiff in  
the possession, custody or control of the individual defendants  
or Government agency defendants shall be destroyed or obliterated  
in any manner pending a final determination of this action,  
including any appeals, or upon further order of this Court:

2(a). All documents referred to in, and protected  
by this order shall be placed and maintained under supervisory  
control of the Court in the physical custody of any person or  
agency now in possession of such records who shall be responsible  
for the physical integrity of the documents. Any defendant  
which has in its possession any of the documents shall be bound  
by its terms.

3(a). A copy of this order shall be circulated  
to each field office and legal attaches of the Federal Bureau of  
Investigation ("FBI") as well as any organizational unit within  
the headquarters of the FBI. Additionally, copies of the order  
will be circulated to appropriate officials of the Postal Service  
and Department of Justice having custody of documents identifiable  
to any plaintiff.

Do Not Remove  
RETAIN AS TOP SERIAL

SEC. 4

62-118045

NOT RECORDED

JUN 11 1979

Greenberg/Gray-5457



(b). A copy of this order shall be placed in each volume or section of all FBI main files identifiable as relating to plaintiffs.

(c). The FBI shall prepare an index of all main files referred to in 3(b) above, specifying the serial numbers of documents contained in each file and the location of each file. A copy of the index shall be furnished to plaintiffs' attorneys <sup>for each party</sup> and to the Court.

4. Documents protected by this order include (a) all records of any kind and description which have been garnered in connection with past and present investigations and may be garnered in connection with future investigations of any plaintiff, including but not limited to records which are identifiable to plaintiffs though contained in records pertaining to investigations of organizations or individuals with which any plaintiff may have had or may have affiliations, and (b) directives or guidelines governing the conduct of such investigations, including but not limited to the FBI Manual of Instructions and Attorney General Guidelines.

5. All documents compiled in the course of the prosecution or defense of United States v. Gray and United States v. Felt and Miller, 78-000179 (Bryant, C.J.), excluding attorneys' work products, shall be subject to the provisions of paragraphs 1 and 2 of this order. At the conclusion of the prosecutions, all documents covered by this order shall be maintained in the custody of attorneys, or their successors in control of such documents pending final determination of this action.

6. Nothing in this order shall preclude the handling, necessary marking of documents, or necessary alteration of copies of documents in the ordinary course of business or trial preparation by anyone in possession of the documents.


7. It is the intent of the Court that this order shall be broadly construed so as to prevent the destruction of any documents. In the event of any question by <sup>any</sup> defendant<sup>1</sup> <sup>MSZ</sup> concerning the scope and coverage of this order, or any action concerning whether any particular documents come within the designated scope and coverage of this order, the documents in question will not be destroyed or obliterated in whole or part, until either: (a) they are presented to ~~the attorneys for the other parties~~ <sup>plaintiffs and plaintiffs' attorneys</sup> for examination and ~~such parties~~ <sup>plaintiffs</sup>, by their attorneys, stipulate in writing that the documents may be destroyed or obliterated in whole or part; or (b) the Court, after a hearing duly noticed, exempts the specified documents in question from its order.

8. In addition to specific instructions concerning communication of the contents of this order contained herein, defendants and their attorneys shall communicate the contents of this order forthwith to all appropriate individuals so as to assure the effectuation and compliance with the order by all persons.

9. Within 30 days, defendants shall report to the Court all steps taken so as to assure the effectuation and compliance with this order by all persons.

Dated: New York, New York

~~APR 11 1979~~  
May 16, 1979

  
United States District Judge

Greenberg/Gray-5459

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 11/30/78

FROM : Legal Counsel

SUBJECT: U. S. V. GRAY, ET AL

PURPOSE: To report telephonic contact by former SAC Joseph F. Santoiana, Jr. with Inspector [redacted] of the Legal Counsel Division.

SYNOPSIS AND DETAILS: At 10:40 a. m., Thursday, 11/30/78, former SAC Joseph F. Santoiana, Jr. called at FBIHQ and spoke with Inspector [redacted]. He advised that he has received a subpoena from the Department of Justice in connection with captioned suit, which subpoena furnished him the name and telephone number of Departmental Attorney Francis J. Martin, Criminal Division, to call if he had any questions regarding the subpoena. Mr. Santoiana then asked whether he should receive any instructions from the Bureau.

Mr. Santoiana was advised that he is excused from his prior employment agreement and that he should feel free to cooperate with the Department of Justice representatives. He was further advised that although as far as Inspector [redacted] is aware, the Departmental Attorney handling this matter has been cleared to receive classified data, if he felt that their pretrial interview with him was hitting on areas of a classified nature, he was free to inquire whether they have the necessary clearance.

Mr. Santoiana also advised that former Special Agents who were working for defense counsel in this case had also contacted him and asked a number of questions concerning his personal knowledge. He advised them that there is currently an outstanding subpoena for him and that he would prefer to contact FBI Headquarters prior to responding to their request. He then asked if the FBI could furnish him any guidelines in this regard. He was informed that there was an outstanding written request for such guidance from the Department (memorandum 11/13/78 from Paul V. Daly to Mr. Civiletti). He was advised that as a result of his telephonic request, a contact would be made with Departmental Attorney Martin and that we would be back in touch with him.

JCF:nls (7)

- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 - Mr. Bassett
- 1 - Mr. Mintz
- 1 - Mr. Daly

CONTINUED - OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Personnel File Joseph F. Santoiana, Jr.

FBI/DOJ



79 DEC 21 1978

Memorandum Legal Counsel for The Director  
Re: U. S. V. GRAY, ET AL

At 4:15 p.m., 11/30/78, Departmental Attorney Martin returned Inspector [ ] call at which time he advised that the Department was still working on guidelines to furnish the FBI to respond to inquiries of witnesses in this matter who are former Bureau Agents. He advised at this time in the interim any such requests for guidance could be responded to by telling the individual that Departmental representatives along with defense representatives were working on such guidelines and they anticipate having them made available to the FBI in the next two or three days. He suggested that no instructions should be given to these inquirers that they are not to talk to defense representatives, but merely to advise them of these negotiations going on between the Departmental attorneys and defense attorney representatives.

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At 5:13 p.m., 11/30/78, Mr. Santoiana was called at telephone number Area Code [ ] and advised accordingly. At that time he indicated he would probably contact Inspector [ ] sometime next week to determine if any guidelines have been received from the Department.

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RECOMMENDATION:

For information;

JCF

APPROVED: [Signature]

Director [Signature]  
Assoc. Dir. [Signature]  
Dep. AD Adm. [Signature]  
Dep. AD Inv. [Signature]

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. [Signature]  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

TO : John A. Mintz  
Legal Counsel Division  
Federal Bureau of Investigation  
FROM : *[Signature]* Breckinridge L. Willcox  
Criminal Division  
Department of Justice  
SUBJECT: Bureau Witnesses; United States v. L. Patrick Gray, et al

DATE: October 27, 1978

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

The attached list of current FBI personnel may be called upon to testify at the trial of the above-captioned case. The trial is presently scheduled to commence on January 22, 1979 before Chief Judge Bryant at the United States Courthouse in Washington, D.C.

We would appreciate it if these individuals could be made available for purposes of trial. It is to be emphasized that not everyone on this list will necessarily be called upon to testify. Either the Government or the defense may wish to call some of these individuals, and it is requested that they be made available for a four-week period following January 22 should their presence at the trial be required by either side.

We will advise SA Paul Daly well in advance of trial of those witnesses the Government will need. None of these personnel in field locations should be brought to Washington for trial unless a specific request has been received from the prosecution team.

For the benefit of the individuals on this list, we have prepared a memorandum outlining our procedures. We have enclosed the appropriate number of copies, and we would appreciate it if they were each furnished a copy.

We would further appreciate it if you could verify the availability of these Bureau personnel.

We thank you very much for your assistance in this matter.

Greenberg/Gray-5462



5010-110

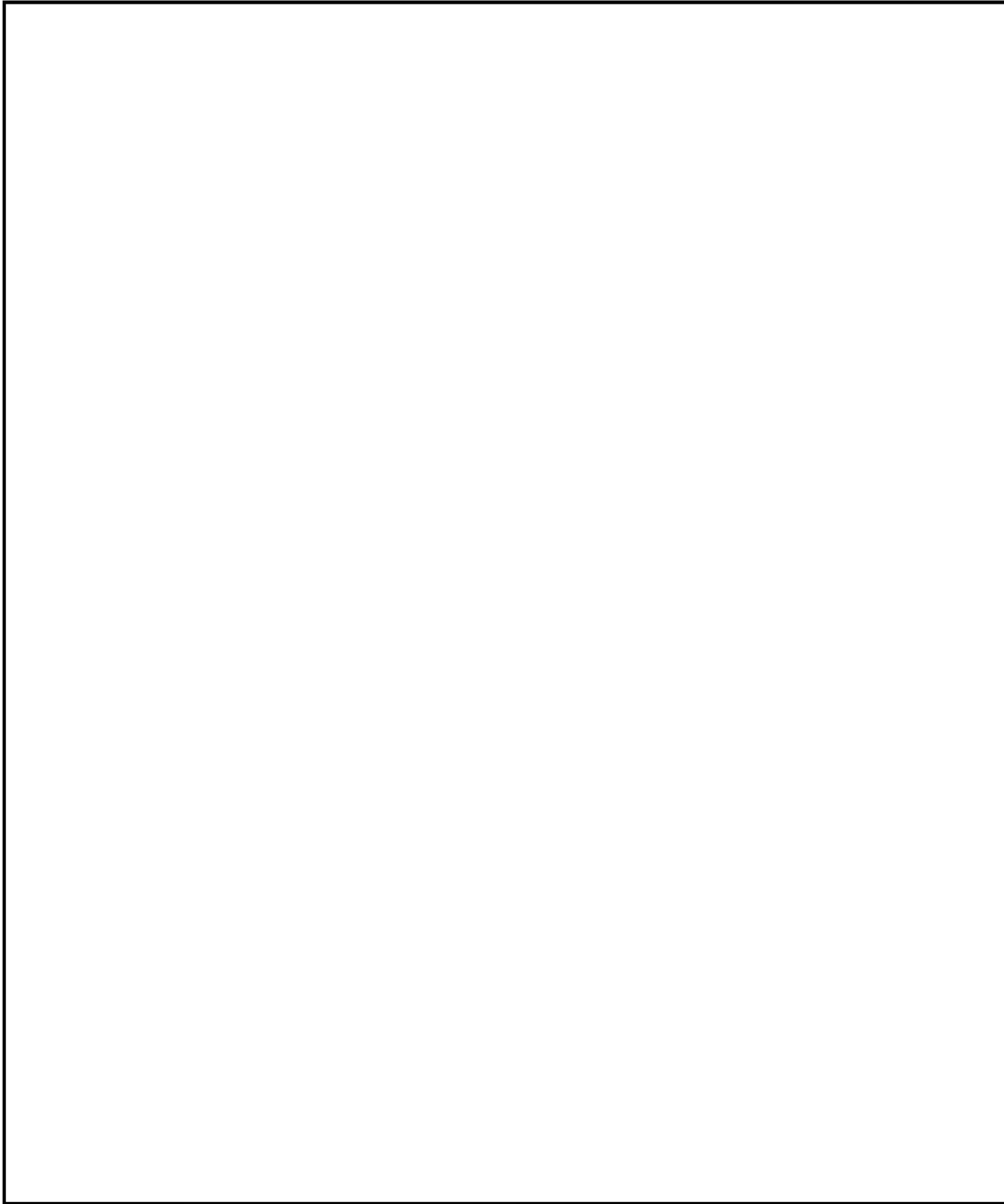
*Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*

ENCLOSURE

62-118045-107X

List of Current FBI Personnel

OTHER Pursuant to Sealed Court Order



\*These agents have already been subpoenaed through their attorneys. The Bureau should merely assure that there is no administrative difficulty by virtue of their present duties in securing their presence at trial.

Greenberg/Gray-5463

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.: \_\_\_\_\_  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

DATE: 12/1/78

TO : Mr. James B. Adams  
 Associate Director

FEDERAL GOVERNMENT

FROM : Richard E. Long, Assistant Director  
 Administrative Services Division

SUBJECT: United States V. L. Patrick Gray et al  
 Criminal Number 78-000179, District of Columbia

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 b7C

PURPOSE: To forward Department of Justice (DOJ) instructions to current FBI employees concerning the above captioned case scheduled for trial commencing 1/22/79.

DETAILS: Legal Counsel memorandum to the Director dated 11/1/78, (attached) contained approved recommendations for Administrative Services Division to identify the office of assignment of 39 current FBI employees who the DOJ has requested to be available as potential witnesses for forthcoming captioned trial. Memorandum from Breckinridge L. Willcox, Criminal Division, DOJ, to Legal Counsel Division dated 10/27/78, (copies attached to each copy of this memorandum designated for each personnel file of potential employee/witness) sets forth the fact that either the Government or the defense may wish to call some of these individuals and requested they be available for a four-week period commencing 1/22/79.

Also enclosed is a copy of Mr. Willcox's memorandum of 10/27/78, addressed to "Witnesses for the Trial" which should be detached from each designated personnel file copy and furnished by Division Heads to the employee/witness.

Two individuals listed [redacted] and [redacted] have resigned and two individuals [redacted] have retired. Legal Counsel Division has notified Mr. Willcox of the identities of these four former employees for the purpose of DOJ making appropriate notification to these individuals.

OTHER Pursuant to Sealed Court Order

In accordance with Bureau teletype to all SAC's dated 11/14/78, (copy attached) any employee contacted by defense attorneys or representative of a defense attorney should contact Legal Counsel Division for appropriate instructions. Notification should be made to Legal Counsel Division of the identity of any employee who will not be available during the four-week period on or after 1/22/79.

ENCLOSURE

See page two (2) for copy count.

JLW:drl/amp (21)

EHCS: [redacted]

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

16 MAR 12 1979

53 JUN 13 1979

LEON [redacted]

Memorandum Long to Adams  
Re: U.S. V. L. Patrick Gray et al  
Criminal Number 78-000179, District of Columbia

RECOMMENDATIONS:

1. That each receiving Division Head insure employees assigned within their respective Division receive a copy of Mr. Willcox's memorandum dated 11/27/78, addressed to "Witness for the Trial."

*glw*

2. That the attached airtel to SAC, Albany, with copies designated for appropriate offices, be approved and forwarded.

*glw*

APPROVED: *WCB* *JA*  
Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. *ohs* \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

- 1 - Mr. Adams (Encs. 2)
- 1 - Mr. Joseph (Encs. 2)
- 1 - Mr. Bassett (Encs. 4)
- 1 - Mr. Cregar (Encs. 4)
- 1 - Mr. Moore (Encs. 2)
- 1 - Laboratory Division (Encs. 4)
- 1 - Personnel files of each of the following:



OTHER Pursuant to Sealed Court Order

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(resigned)  
(resigned)  
(retired)  
(retired)

Greenberg/Gray-5465



1 1

11/14/78

UNCLASS

PRIORITY

FM DIRECTOR FBI

TO ALL SACS

BT

U.S. VS. L. PATRICK GRAY, III, ET AL.

IN CONNECTION WITH THE FORTHCOMING TRIAL IN CAPTIONED  
MATTER, DEFENSE ATTORNEYS FOR DEFENDANTS IN THIS CASE ARE  
PREPARING TO INTERVIEW CURRENT AND FORMER FBI PERSONNEL. SHOULD  
PERSONNEL BE CONTACTED BY REPRESENTATIVES OF THE DEFENSE  
ATTORNEYS OR THE DEFENSE ATTORNEYS, THEY SHOULD CONTACT OFFICE  
OF LEGAL COUNSEL <sup>Division</sup> FOR APPROPRIATE INSTRUCTIONS.

BT

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

PVD:evp

11/14/78

5829

4840

- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 - Mr. Mintz (Route through for review)
- 1 - Mr. Bassett
- ① - Mr. Daly

Greenberg/Gray-5466

- 1 -
- 1 -
- 1 -

b6  
b7C

62-118045-107X

ENCLOSURE

TO ALL SACS

U.S. VS. L. PATRICK GRAY, III, ET AL.

NOTE: INSTANT TELETYPE IS NECESSARY SINCE DEPARTMENT HAS NOT ADVISED OF WHAT RESTRAINTS THEY INTEND TO PLACE ON INFORMATION TO BE FURNISHED TO THE DEFENSE IN THIS MATTER. DEPARTMENT HAS HAD SUBPOENAS ISSUED FOR SOME BUREAU PERSONNEL AND PROVISIONS OF TITLE 28, CODE OF FEDERAL REGULATIONS, 1421, ET SEQ., REQUIRES THEY ADVISE OF ANY RESTRAINTS. BY MEMORANDUM DATED 11/13/76 DEPARTMENT REQUESTED TO FURNISH INSTRUCTIONS CONCERNING THIS.

UNITED STATES GOVERNMENT

# Memorandum

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

TO : Witnesses for the Trial

DATE: October 27, 1978

FROM : Breckinridge Willcox  
Criminal Division  
U.S. Department of Justice

SUBJECT: United States v. Gray, et al., Crim. No. 78-000179,  
District of Columbia

Attached is a request for your appearance as a witness in the above captioned case.

The trial is presently scheduled to begin on January 22, 1979. Testimony may not begin on that precise day, and/or your testimony may not be required until a later day. For these reasons the specific date upon which you will be called to testify cannot now be finally determined. You therefore need not appear in court on January 22, but should treat the request as being continuing in nature. That means that it will continue to require your presence in court whenever during the pendency of the case you may be notified that any party in the case wishes you to appear in court. As soon as that date has been determined, we will let you know. We hope that this procedure will involve as little inconvenience to you as possible. It is quite possible that neither side will want to call you as a witness, but you should plan to be available for several weeks after January 22 in the event that you are called as a witness.

You will be notified in a timely fashion if your presence is required. If you plan to be in a travel status in December (except for the holidays) or in January, it is imperative that you keep us informed as to how to reach you. Please call me at 724-7011 to inform me (or my secretary) of your travel plans, or if you have any questions.

At some point before your appearance in court we may contact you again to invite you to attend a pretrial interview. You will be under no obligation to accept that invitation; whether or not to do so will be entirely up to you. Similarly, it is possible that defense attorney and/or defense investigators may contact you to invite you



5010-110

62-118045-107X  
ENCLOSURE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

- 2 -

to be interviewed by them. Again you will be under no obligation and will be entirely free to decide yourself whether or not to submit to such interview.

Greenberg/Gray-5469

Airtel

12/7/78

To: SAC, Albany

From: Director, FBI

UNITED STATES V. L. PATRICK GRAY ET AL  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

*Names of potential interview  
written on enclosures to  
outgoing copies*

ReBuairtel to All SACS dated 11/14/78, captioned  
U. S. VS L. Patrick Gray III et al, set forth instructions  
that Legal Counsel Division should be notified if any employee  
is contacted by defense attorneys or representatives of de-  
fense attorneys concerning this case.

Enclosed are appropriate number of copies of two  
self explanatory memoranda, both dated 10/27/78, from  
Breckinridge L. Willcox, Criminal Division, Department of  
Justice, one addressed to Mr. John A. Mintz, Legal Counsel  
Division, and the second addressed to "Witnesses for the Trial"  
on the above captioned matter. Copies of the memorandum  
addressed to "Witnesses for the Trial" should be detached and  
furnished to designated employees.

In the event any employee will not be available  
during the four-week period on or after 1/22/79, Legal Counsel  
Division should be immediately advised. Also, Legal Counsel  
Division will provide guidance on securing a release from  
Employment Agreement for those employees who may be contacted.

Enclosures (2)

2 - SAC, Alexandria (Encs. 2)	2 - ADIC, New York (Encs. 8)
2 - SAC, Baltimore (Encs. 2)	2 - SAC, Oklahoma City (Encs. 4)
2 - SAC, Cincinnati (Encs. 4)	2 - SAC, St. Louis (Encs. 2)
2 - SAC, Columbia (Encs. 2)	2 - SAC, San Diego (Encs. 2)
2 - SAC, Dallas (Encs. 2)	2 - SAC, San Juan (Encs. 4)
2 - SAC, Detroit (Encs. 4)	2 - SAC, Seattle (Encs. 2)
2 - SAC, Memphis (Encs. 2)	2 - SAC, Springfield (Encs. 2)
2 - SAC, Newark (Encs. 6)	2 - SAC, WFO (Encs. 2)

1 - Personnel files of each of the employees listed on next page.  
JLW:las (60)  
Based on memo Long to Adams, 12/1/78, captioned as above.

APPROVED:

Director  
Assoc. Dir.  
Dep. AD Adm.  
Dep. AD Inv.

Adm. Serv.  
Crim. Inv.

Ident.  
Intell.  
Laboratory

Legal Coun.  
Plan. & Insp.  
Rec. Mgnt.  
Tech. Servs.  
Training  
Public Affs. Off.

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.:  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
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Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

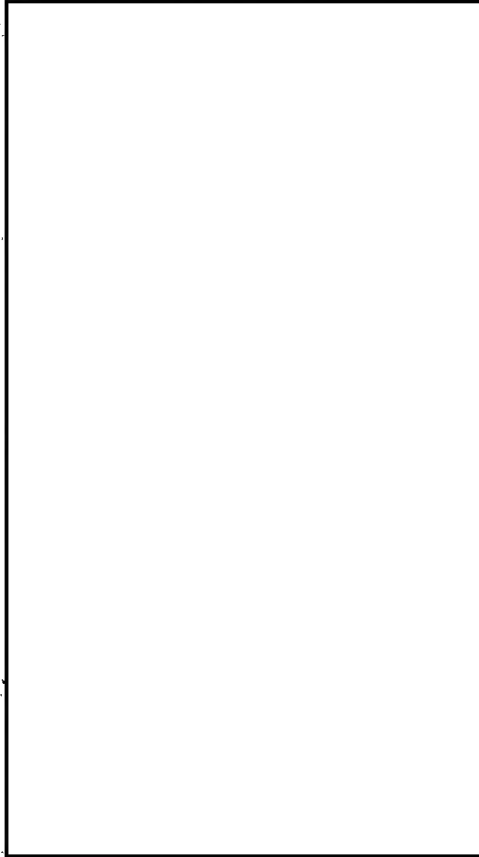
57 JAN 10 1979  
MAIL ROOM

PERS. REC. UNIT

FBI/DOJ

Airtel to SAC, Albany

Copies of airtel to placed in personnel files of:



OTHER Pursuant to Sealed Court Order

Greenberg/Gray-5471

Airtel

12/7/78

To: SAC, Albany

From: Director, FBI

UNITED STATES V. L. PATRICK GRAY ET AL  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

ReBuairtel to All SACS dated 11/14/78, captioned U. S. VS L. Patrick Gray III et al, set forth instructions that Legal Counsel Division should be notified if any employee is contacted by defense attorneys or representatives of defense attorneys concerning this case.

Enclosed are appropriate number of copies of two self explanatory memoranda, both dated 10/27/78, from Breckinridge L. Willcox, Criminal Division, Department of Justice, one addressed to Mr. John A. Mintz, Legal Counsel Division, and the second addressed to "Witnesses for the Trial" on the above captioned matter. Copies of the memorandum addressed to "Witnesses for the Trial" should be detached and furnished to designated employees.

In the event any employee will not be available during the four-week period on or after 1/22/79, Legal Counsel Division should be immediately advised. Also, Legal Counsel Division will provide guidance on securing a release from Employment Agreement for those employees who may be contacted.

Enclosures (2)

2 - SAC, Alexandria (Encs. 2)	2 - ADIC, New York (Encs. 8)
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2 - SAC, Cincinnati (Encs. 4)	2 - SAC, St. Louis (Encs. 2)
2 - SAC, Columbia (Encs. 2)	2 - SAC, San Diego (Encs. 2)
2 - SAC, Dallas (Encs. 2)	2 - SAC, San Juan (Encs. 4)
2 - SAC, Detroit (Encs. 4)	2 - SAC, Seattle (Encs. 2)
2 - SAC, Memphis (Encs. 2)	2 - SAC, Springfield (Encs. 2)
2 - SAC, Newark (Encs. 6)	2 - SAC, WFO (Encs. 2)

1 - Personnel files of each of the employees listed on next page  
JLW:las (60)

Based on memo Long to Adams, 12/1/78, captioned as above.

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

62-118045-108  
Greenberg/Gray-5472

DEC 14 1978

UNITED STATES GOVERNMENT

# memorandum

DATE:

REPLY TO  
ATTN OF:

*D. Jerry Rubino*  
D. Jerry Rubino, Assistant Director  
for Security Programs

SUBJECT:

Clearance of Potential Witnesses in the  
U.S. v. L. Patrick Gray, et al Case

TO:

*[Redacted]* b6  
Security Officer b7C  
Federal Bureau of Investigation

~~FEDERAL GOVERNMENT~~

*ss*  
*Ca*  
Your attention is invited to the attached memorandum and list of prospective witnesses attached thereto.

You are requested to provide this office with the current clearance status of all of those persons who are listed in the attached memorandum as current employees of the FBI. Your office should be prepared to indoctrinate these employees for special access to SI information as the need arises.

For those persons who are listed and are not current employees we need a statement concerning their period of employment with the FBI, and the level of security clearance they possessed.

Your expeditious handling of this matter will be greatly appreciated. *(initials)*

Attachment

SI 109

REC-24 62-118045-109

5 DEC 26 1978

*2-*  
*(initials)*  
ENCLOSURE

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

*4-22*  
Greenberg/Gray-5473



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

☆ U.S. Government Printing Office: 1977-241-530/3474

OPTIONAL FORM NO. 10  
(REV. 7-76)  
GSA FPMR (41 CFR) 101-11.6  
5010-112


79 JAN 09 1979



DEC 14 1978

D. Jerry Rubino, Assistant Director  
for Security Programs

Clearance of Potential Witnesses in the  
U.S. v. L. Patrick Gray, et al Case

 b6  
b7C  
Security Officer  
Federal Bureau of Investigation

Your attention is invited to the attached memorandum and list of prospective witnesses attached thereto.

You are requested to provide this office with the current clearance status of all of those persons who are listed in the attached memorandum as current employees of the FBI. Your office should be prepared to indoctrinate these employees for special access to SI information as the need arises.

For those persons who are listed and are not current employees we need a statement concerning their period of employment with the FBI, and the level of security clearance they possessed.

Your expeditious handling of this matter will be greatly appreciated.

Attachment

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 04-01-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5474

UNITED STATES GOVERNMENT

# Memorandum

TO :

[Redacted]

b6  
b7C

DATE: November 22, 1978

FROM : Frank Martin *FM*

SUBJECT: Witnesses in United States v. Gray, et al

The draft Protective Order that we have discussed contemplates that your office will determine the trustworthiness of potential witnesses as well as their authority for access to SCI. Attached is a list of potential government and/or defense witnesses. It would be helpful if you would begin the clearance process (including SCI) for each of these witnesses. I would like to be able to advise defense counsel, at the time the Protective Order is signed, that all or most of these witnesses have been cleared for interview. All of these witnesses are former FBI employees, except for those with stars before their names. The latter are current employees.

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5475

62-118045-109

ENCLOSURE

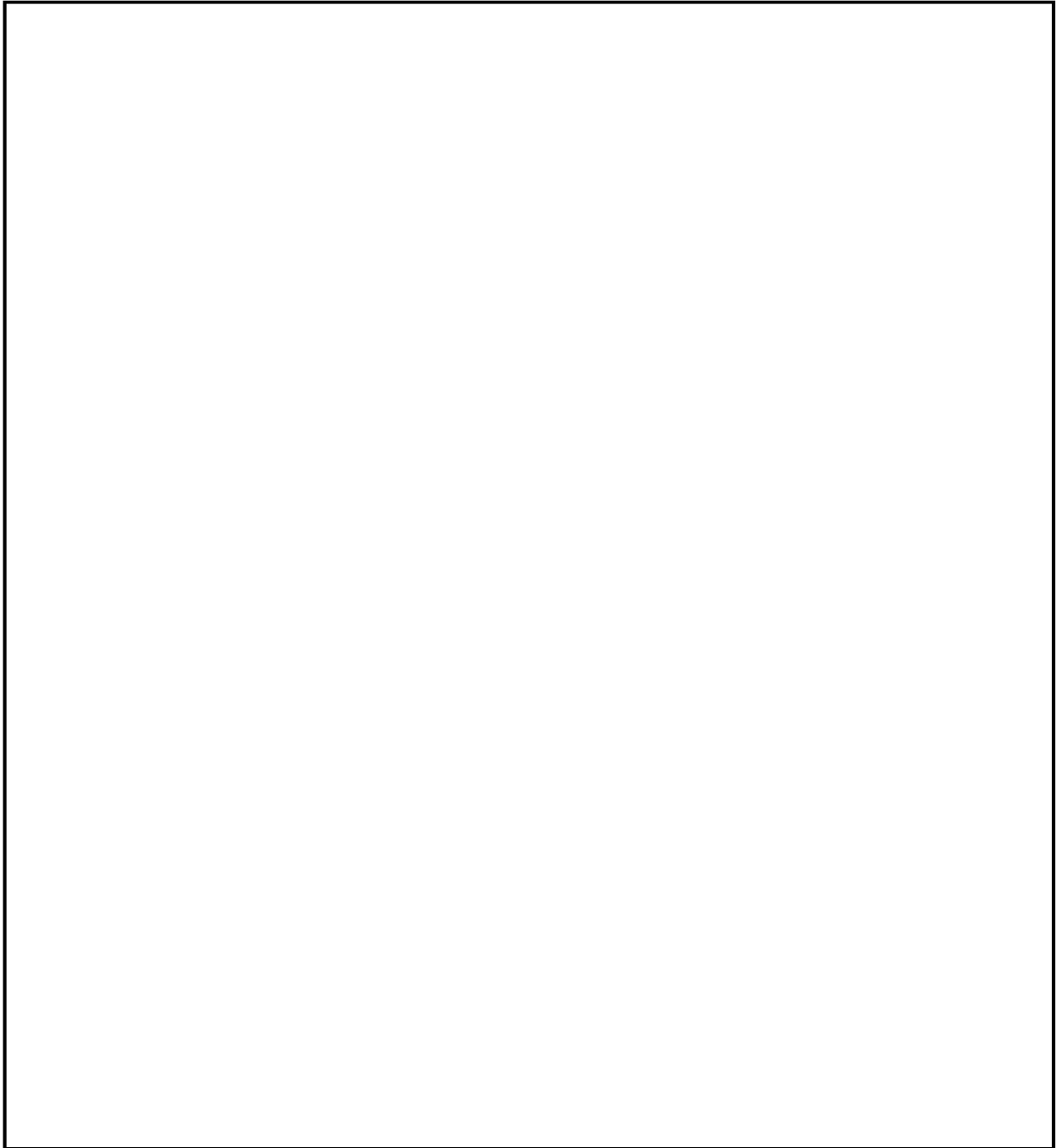


5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

(\*Current Bu. Emp.)

OTHER Pursuant to Sealed Court Order



ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

62-118045-109

ENCLOSURE enberg/Gray-5476

FEDERAL GOVERNMENT

Date: December 19, 1978

To: D. Jerry Rubino  
Security Officer,  
Department of Justice

Ca. From:   
Security Officer,  
Federal Bureau of Investigation

b6  
b7C

Subject: U.S. v. L. PATRICK GRAY, et al.,  
CLEARANCE OF POTENTIAL WITNESSES

This is in reference to your memorandum dated December 14, 1978, enclosing a list of prospective witnesses in the above matter, and requesting information be furnished by this Bureau. JAD

You will recall that by informal note, dated December 15, 1978, I returned to you a copy of the list of potential witnesses indicating thereon the date of those who are former Special Agents retired from the Federal Bureau of Investigation (FBI). A revised copy of this list is attached.

OTHER Pursuant to Sealed Court Order

The dates listed on the list indicated the dates on which the former agents ceased duty with the FBI, it being noted all had access for up to "Top Secret" on a need-to-know basis, until they ceased duty. The names on the list noted with a check (✓) are those whom your office has cleared to participate in the Defense Discovery Task Force.  included on the list was not a Special Agent, but a White House fellow, who, for a brief period, was assigned to Director Kelley's office.

Enclosure

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

DR:plc  
(5) plc

1 - Mr. H.N. Bassett  
1 -

b6  
b7C

ENCLOSURE

MAIL ROOM ☒

Greenberg/Gray-5478

FBI/

79 JAN 09 1979

MAILED 6  
DEC 21 1978  
FBI

REC-24 62-118045-110

5 DEC 28 1978

D. Jerry Rubino  
Security Officer,  
Department of Justice

OTHER Pursuant to Sealed Court Order

I have also noted on the attached list an asterix next to the names of [redacted] as these individuals are currently employed as Special Agents by the FBI, while on your list it is indicated they are retired. Also included on the attached list is the Sensitive Compartmental Information access authorization, where pertinent, for all current FBI personnel. Compartmental notice appears to the left of the individual's name.

I have been unable to identify [redacted] who appears on the list as a former Special Agent. OTHER Pursuant to Sealed Court Order

All current FBI Special Agents included on the list are authorized for access to classified national security information and material up to "Top Secret" on a need-to-know basis. Though continuing investigative controls, we consider the background investigation of these personnel to be a current status.

My office is prepared at any time to afford additional clearance for access to Sensitive Compartmental Information as required, for any of the personnel included on the attached list.

OTHER Pursuant to Sealed Court Order

(\*Current Bu. Emp.)

SI, TK, D  
AQ, SE, GE  
AZ, II

TK, AQ, HX  
GAM, ED, KA  
SI, DY

SI,

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DATE 04-01-2009 BY 65179 dmh/baw/sbs

62-118045-110

OTHER:		
RETIRED:	72	71
ON DUTY:	38	40
TOTAL:	111	112

ENCLOSURE

Date indicates - date of retirement  
✓ indicates - cleared for Defense  
Discovery Task Force

S.

SE, TK, BY

OTHER Pursuant to Sealed Court Order

SI



WAS WHITE HOUSE FELLOW - LEFT 8/27/73.

OTHER Pursuant to Sealed Court Order



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the  
Division Indicated  
and Refer to Initials and Number

BDS:ams

December 12, 1978

FEDERAL GOVERNMENT

C  
Honorable William B. Bryant  
Chief Judge  
U.S. District Court for the  
District of Columbia  
3rd & Constitution Avenue, N.W.  
Washington, D.C. 20001 *L. Patrick*

Re: United States v Gray, et al Crim. No. 78-000179

Dear Judge Bryant:

Enclosed for filing in the captioned case is the govern-  
ment's Motion for Protective Order. As the Motion indicates,  
your issuance of the Protective Order will greatly facili-  
tate completion of the discovery process in this case;  
indeed, completion of that process is probably impossible  
without the Protective Order. *me*

For that reason, and since the trial date of January  
22 is only six weeks away, I respectfully *EX-113* request that the  
Motion for Protective Order be handled by the Court as  
expeditiously as possible. *REC-20 62-118045-111* I understand that at least  
one defense attorney in the case wishes to be heard *DO* JAN 8 1979  
opposition to the Motion; I ask that a prompt schedule ~~be set~~

*me*  
ENCLOSURE

*File 62-118045*  
*4*

79 JAN 16 1979

Greenberg/Gray-5482



for the submission of that opposition and of the government's response (if any) be established at the Court's earliest possible convenience.

Thank you very much.

Very truly yours,



BARNET D. SKOLNIK  
Special Assistant United States  
Attorney for the District of  
Columbia

cc: Alan I. Baron, attorney for defendant Gray  
Brian P. Gettings, attorney for defendant Felt  
Thomas A. Kennelly, attorney for defendant Miller

bcc: Daniel Silver, NSA  
John Morrison, CIA  
✓ Paul Daly, FBI  
Ben Civiletti, DJ  
Bob Keuch, DJ  
Mary Lawton, DJ  
Chuck Trombetta, DJ

Greenberg/Gray-5483

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-01-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5500



62-118045-

ENCLOSURE



UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Addressee: Reply to the  
Division Indicated  
and Refer to Initials and Number

BDS:ams

December 12, 1978

~~FEDERAL GOVERNMENT~~

C  
Honorable William B. Bryant  
Chief Judge  
U.S. District Court for the  
District of Columbia  
3rd & Constitution Avenue, N.W.  
Washington, D.C. 20001

*L. Patrick*

Re: United States v. Gray, et al Crim. No. 78-000173

Dear Judge Bryant:

Enclosed for filing in the captioned case is the govern-  
ment's Motion for Protective Order. As the Motion indicates,  
your issuance of the Protective Order will greatly facili-  
tate completion of the discovery process in this case;  
indeed, completion of that process is probably impossible  
without the Protective Order.

For that reason, and since the trial date of January  
22 is only six weeks away, I respectfully request that the  
Motion for Protective Order be handled by the Court as  
expeditiously as possible. I understand that at least  
one defense attorney in the case wishes to be heard in  
opposition to the Motion; I ask that a prompt schedule

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

*me*  
ENCLOSURE

20 JAN 3 1979

*4-File PrD*

Greenberg/Gray-5525

79 JAN 16 1979

for the submission of that opposition and of the government's response (if any) be established at the Court's earliest possible convenience.

Thank you very much.

Very truly yours,



BARNET D. SKOLNIK  
Special Assistant United States  
Attorney for the District of  
Columbia

cc: Alan I. Baron, attorney for defendant Gray  
Brian P. Gettings, attorney for defendant Felt  
Thomas A. Kennelly, attorney for defendant Miller

bcc: Daniel Silver, NSA  
John Morrison, CIA  
✓ Paul Daly, FBI  
Ben Civiletti, DJ  
Bob Keuch, DJ  
Mary Lawton, DJ  
Chuck Trombetta, DJ

Greenberg/Gray-5526

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5527

62-118045-112

ENCLOSURE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )

v. )

L. PATRICK GRAY, III )  
W. MARK FELT and )  
EDWARD S. MILLER )

Criminal No. 78-000179

FILED

DEC 26 1978

PROTECTIVE ORDER

JAMES F. DAVEY, Clerk

This matter comes before the Court upon the motion of the United States for a Protective Order to prevent the unauthorized disclosure or dissemination of classified National Security documents which have been or will be disclosed to defense counsel as part of the discovery process in this case. As used herein, the term "classified National Security document" refers to any document (or information contained therein) which is disclosed to defense counsel as part of the discovery process in this case, bears the designation "Confidential", "Secret", or "Top Secret", and does not bear a clear indication that it has been declassified by the Agency or Department of government that originated the document or the information contained therein (hereinafter referred to as "the originating agency"); such documents are under a National Security Classification pursuant to Executive Order 11652, 3 C.F.R. 339 (1974), reprinted in 37 Fed. Reg. 5209 (1972) and in 50 U.S.C. § 401, at 3682 (Supp. IV 1974). Those documents are the general subject matter of Part One of this Protective Order.

Some of those documents contain Sensitive Compartmented Information (SCI); such documents are the general subject matter of Part Two of this Protective Order.

*File  
paw*

The Court having considered the matter, pursuant to Rule 16(d)(1), Federal Rules of Criminal Procedure, and pursuant to the inherent power of the Court,

PART ONE

IT IS HEREBY ORDERED this 22 day of December, 1978, that:

(1) Without prior authorization of the originating agency, there shall be no disclosure or dissemination of any classified National Security document except as provided in this Protective Order.

(2) Without prior authorization of the originating agency, there shall be no public disclosure, by either the prosecution, the defense, or any other individual, of any classified National Security document until such time, if ever, that such document is admitted by the Court into evidence at the trial of this case.

(3) The three (3) defendants in this case and Alan I. Baron, counsel for defendant L. Patrick Gray III, Brian P. Gettings, counsel for defendant W. Mark Felt, and Thomas A. Kennelly, counsel for defendant Edward S. Miller, all having been granted a Top Secret security clearance by the Department of Justice, shall have full access to all classified National Security documents in this case. Said defense counsel may also disclose such classified National Security documents to any co-counsel, consultant, expert, paralegal or clerical personnel who are assisting them in the preparation of this case and who have received Top Secret security clearances. Each such security clearance shall be expeditiously granted by the Department of Justice, provided the requisite full-field background investigation has been favorably conducted and in the absence of good cause for withholding such clearance.

(4) Counsel for any party to this case may discuss classified National Security documents with a potential witness in the case only after having been informed that the government has made a favorable determination of the current trustworthiness of such potential witness. The Department Security Officer of the Department of Justice (or his designee) will expeditiously determine the current trustworthiness of any potential witness and will make--and communicate to counsel-- a favorable determination in the absence of good cause for believing the potential witness to be untrustworthy. Upon request of counsel for any party to this case, the Department Security Officer (or his designee) shall submit to the Court, under seal, the reasons for withholding such a favorable determination as to a potential witness with whom any such counsel wishes to discuss any classified National Security document. The Department Security Officer (or his designee) shall not disclose in any manner to counsel for any party to this case the identity of any individual denominated as a potential witness by counsel for any other party.

(5) Counsel for any party to this case shall exhibit a copy of this Protective Order to any potential witness to whom any classified National Security document (or contents thereof) is to be disclosed and shall obtain from such potential witness a signed Witness Acknowledgement that he agrees to be bound by the secrecy provisions of this Protective Order and by the regulations pertaining to the handling of classified National Security documents. A copy of this Protective Order and of said regulations shall be left with any such potential witness. The Witness Acknowledgement to be signed by each such witness is attached hereto as Attachment "A".



(6) Counsel shall at all times be responsible for arranging to store any classified National Security documents of which they have possession in an FBI or other secure facility in accordance with FBI requirements for protecting such documents.

(7) Defense counsel shall forthwith permit the Department Security Officer (or his designee) to affix the appropriate classifications to any grand jury transcript in the possession, custody or control of defense counsel which contains classified National Security information and must therefore be denominated a classified National Security document.

(8) With respect to all documents involved in the discovery process in this case, the government may redact any references:

- (a) that would tend to compromise pending investigations;
- (b) that constitute identifying data as to third parties who were unrelated to the Weatherman Organization and were not the subjects of FBI investigation; or
- (c) that would tend to disclose intelligence sources and methods -- but the government may not redact references to any surreptitious entries, electronic surveillances, or mail openings conducted by the FBI in its investigation of the Weatherman Organization.

Defendants and defense counsel shall forthwith return to government counsel all existing copies of certain pages of certain grand jury transcripts which are presently in their possession

custody or control and which are known to contain references that would tend to disclose intelligence sources and methods, as more fully set forth in Attachment "B" hereto. The government shall then forthwith provide to defense counsel substitute pages which shall have been redacted so as to remove references that would tend to disclose intelligence sources and methods. Defendants and defense counsel shall, throughout the pendency of this case, have access to unredacted copies of all such transcripts at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

PART TWO

WHEREAS certain documents involved in the discovery process and in grand jury proceedings in this case contain Sensitive Compartmented Information (SCI), the storage, handling and control of which require extraordinary security precautions as mandated by Director of Central Intelligence Directive 1/1 "Uniform Procedures For Administrative Handling and Accountability of Sensitive Compartmented Information (SCI)"; and

WHEREAS it is not feasible to provide storage facilities for SCI at the offices of defense counsel; and

WHEREAS access to SCI requires a special security clearance and specific execution of a nondisclosure agreement pursuant to Director of Central Intelligence Directive 1/14, "Minimum Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information

IT IS HEREBY FURTHER ORDERED THAT the following provisions, in addition to the provisions of PART ONE, shall apply to SCI:

(9) Each defendant, defense counsel, and any consultant, expert, paralegal, or clerical personnel who are assisting them in the preparation of this case shall be granted access to SCI, as set forth in paragraph (11) below, provided the requisite full-field background investigation has been favorably conducted and in the absence of good cause for withholding such access, and provided further that such person has specifically executed the required SCI nondisclosure agreement (copy attached hereto as Attachment "C").

(10) Defendants and defense counsel shall forthwith return to government counsel all existing copies of certain pages of certain grand jury transcripts which are presently in their possession, custody, or control and which are known to contain SCI, as more fully set forth in Attachment "D" hereto. The government shall then forthwith provide to defense counsel substitute pages which shall have been redacted so as to remove SCI. Defendants and defense counsel shall, throughout the pendency of this case, have access to unredacted copies of all such transcripts at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

(11) Any document which is otherwise discoverable in this case but which contains SCI shall be provided to defense counsel in redacted form so as to remove SCI. Defendants and defense counsel shall, throughout the pendency of this case, have access to any such document without any such SCI redactions (but with such other redactions, if any, as are authorized by paragraph (8) above); such access shall be provided at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

(14) The provisions of paragraph (4) of this Protective Order are hereby supplemented in that the same procedures mandated therein shall also be applied so as to require a determination of authority to have access to SCI for any potential witness with whom any counsel wishes to discuss SCI.

(15) The provisions of paragraph (5) of this Protective Order are hereby supplemented in that any counsel who wishes to discuss SCI with a potential witness shall first require such witness to execute the required SCI nondisclosure agreement.

(16) The requirements of paragraph (13) of this Protective Order shall not apply to the extent that potential witnesses who are current Government employees and have been determined to have a present Top Secret security clearance and authorization for access to SCI need not be required to execute the SCI nondisclosure agreement.

(17) All counsel shall be fully briefed by the Department Security Officer (or his designee) as to the general nature of information that must be handled as SCI and shall be alerted by him to the specific subject matters involved in the discovery process in this case which constitute SCI. In addition, all counsel shall alert potential witnesses to the possibility that they may be discussing SCI and shall request such witnesses similarly to alert counsel at any time the witness, from his own knowledge, believes that the information being discussed is SCI. Should counsel have any doubts as to whether or not a particular subject matter constitutes SCI, they shall seek the guidance of the Department Security Officer.

for his designation for a proper determination. The Department  
Counsellor Officer (or his designee) shall not disclose to counsel  
or any party to the case the nature of any such inquiries  
and any other counsel.

*William B. Bryant*  
UNITED STATES DISTRICT JUDGE

*17 September, 1978*

1. NONDISCLOSURE AGREEMENT  
2. CONFIDENTIALITY INFORMATION

1. I, (Name), (Address), hereby acknowledge that I have received and divulged information concerning the nature and collection of certain classified information and intelligence sources and methods, which was known as such by a Government employee, designated as a "Designated Sensitive Compartmented Information."

2. I have been advised that direct or indirect unauthorized disclosure, unauthorized retention or negligent handling of the designated sensitive compartmented information by me could cause irreparable injury to the United States and be used to advantage by a foreign nation.

3. I have been advised of the possible legal consequences of the procedures which are to be used to protect the interests of the Government, and the procedures to be followed in obtaining, releasing, and disseminating this information have been approved for, approved by, and I maintain these procedures.

4. In consideration of being granted access to the designated Sensitive Compartmented Information, I pledge that I will never divulge such information, in any form or any manner, to anyone who is not authorized to receive it, without prior written authorization from an appropriate official of the United States Government.

5. I have been advised that any unauthorized disclosure of information furnished to me may be a substantial violation of the agreement, and may result in the termination of my employment. In addition, I have been advised that any such unauthorized disclosure by me may constitute violations of United States civil or criminal laws, including, as to the latter, the provisions of Sections 793, 794, and 795, Title 18, United States Code, and of Section 793, Title 50, United States Code.

5. I understand and agree that the United States Government may check, deny, refuse or delay disclosure of the designated Sensitive Compartmented Information by me, for a court order prohibiting such disclosure.

7. In any civil action which may be brought by the United States Government for breach of this agreement, the law of the District of Columbia shall govern the interpretation of this agreement. I have been advised that the action of the courts where the United States Government may elect to file the action, could be, and possibly may be, assessed against me if I lose such action.

9. I hereby assign to the United States Government all rights, title, interest, and all royalties, remuneration, and emoluments that now result or may result from any such disclosure, publication or revelation not consistent with the terms of this agreement.

4066

ATTACHMENT 2/2

I, [redacted], and [redacted], as authorized representative of the United States Government, I make [redacted] statements concerning the designated Sensitive Compartmented Information which are then in my possession or for which I am responsible. I understand that the designated Sensitive Compartmented Information is, and will remain, the property of the United States Government, and my failure to return materials reflecting this information to the United States Government as required, may subject me to the penalties set out in Section 793 of Title 18, United States Code.

10. Unless I am released in writing by an authorized representative of the United States Government, I understand that all the conditions and obligations imposed upon me by this agreement apply during the time I am granted access to the designated Sensitive Compartmented Information, and at all times thereafter.

11. Nothing in this agreement constitutes a waiver on the part of the United States of the right to prosecute me for any statutory violation. Nothing in this agreement constitutes a waiver on my part of any defenses I may otherwise have in any civil or criminal proceedings.

12. Each provision of this agreement is severable. If a court should find any provision of this agreement to be unenforceable, all other provisions of this agreement shall remain in full force and effect.

13. I have read this agreement carefully and my questions, if any, have been answered to my satisfaction. I acknowledge that the briefing officer has made available Sections 793, 794, 798, and 1001 of Title 18, United States Code, Section 783 of Title 50, United States Code, Executive Order 11652, as amended, and the National Security Council Directive of 17 May 1972, as amended, which implements this Executive Order so that I may read them at this time, if I so choose.

14. I have been advised that any false statement made by me in this agreement may subject me to the penalties set out in Section 1001 of Title 18, United States Code.

15. I make this agreement without any mental reservation or purpose of evasion.

By: [redacted]

Signature

Date

SSN (see Notice below)

#### NOTICE Organization

5 U.S.C. 552a, requires that federal agencies inform individuals of the information is solicited from them, whether the disclosure is mandatory or voluntary, by what authority such information is solicited, and what will be done of the information. You are hereby advised that authority for using your Social Security Account Number (SSN) is Executive Order 9397. Your SSN will be used to identify you precisely when it is necessary to certify that you have access to the information indicated above. While your disclosure of your SSN is not mandatory, your failure to do so may delay the processing of such certification.

WITNESS AFFIDAVIT

\_\_\_\_\_, have been requested  
\_\_\_\_\_, (designee of) counsel for \_\_\_\_\_  
\_\_\_\_\_, to discuss with him matters pertaining to  
the case of United States v. L. Patrick Gray III, et al. I  
have voluntarily agreed to discuss such matters and have been  
informed of the Protective Order issued in that case on  
\_\_\_\_\_. I acknowledge that I have read that  
Protective Order and have read and am familiar with the Federal  
regulations set forth in \_\_\_\_\_ CFR \_\_\_\_\_ pertaining to the  
handling of classified information. I hereby acknowledge that,  
as to all classified matters I may discuss with counsel in  
this case, I am bound by the secrecy provisions of the said  
Protective Order and by the said Federal regulations. (I  
do hereby acknowledge that, as to any matters I may discuss with  
counsel in this case concerning Sensitive Compartmented Informa-  
tion, I am bound by the provisions of the required SCI secrecy  
policy which I have executed and attached hereto.)

Witness

\_\_\_\_\_  
(or designee)



INDEX OF GRAND JURY TRANSCRIPTS WHICH  
CONTAIN SCOT AND WHICH THEREFORE REQUIRE  
REDACTED IN REDACTED PAGES

Transcripts of P. Patrick Gray:

Date: 10/6/76 Pages: 9-11, 13-14, 21-22, 25, 27-40, 42-54,  
77, 86-93, 113  
Date: 11/3/76 Pages: 10-11, 13-15, 21-22, 26-41, 43-55,  
78, 87-93  
Date: 3/22/78 Page: 16  
Date: 3/22/78 Pages: 41, 43, 51-55, 58-59, 73, 82, 96-98,  
102-110, 112-115, 117, 119-120, 122-132,  
135-139, 142-146, 148, 150-153, 155-158,  
171, 102-164

Transcripts of W. Mark Felt:

Date: 8/26/76 A.M. Pages: 9, 13-15, 33, 35-37, 39, 42-44,  
51-53, 55-56  
Date: 8/26/76 P.M. Pages: 15-18, 26, 29  
Date: 8/15/78 Pages: 10, 13-15, 20, 35-37, 39, 43-44,  
51-53, 55-56, 77-80, 91, 98

Transcripts of Edward S. Miller:

Date: 8/26/76 Pages: 39-40, 42-48, 50-51, 54-56, 69, 70  
Date: 9/1/76 Pages: 10, 20-21, 30  
Date: 8/15/78 Pages: 41-42, 44-50, 53, 56-58, 71, 72  
Date: 3/22/78 Pages: 10-11, 21, 36

Transcript of William C. Sullivan:

Date: 7/15/77 Pages: 15, 43-54, 64-65, 67-69, 71-74, 78-81,  
83-87, 94-95, 100-101, 105, 120-123,  
136-137, 186-187, 232

PAGES OF GRAND JURY TRANSCRIPTS WHICH  
CONTAIN REFERENCES THAT WOULD TEND TO  
DISCLOSE INTELLIGENCE SOURCES AND METHODS  
AND WILL THEREFORE REQUIRE SUBSTITUTION  
OF REDACTED PAGES.

Transcripts of L. Patrick Gray:

Date: 10/6/76      Pages: 27, 30, 34, 38, 39, 40, 42, 43,  
45, 48, 52, 53, 64, 65, 66, 82, 92

Date: 3/20/78      Pages: 27, 31, 35, 39, 40, 41, 44, 45,  
(reading)      46, 49, 54(a), 54(b), 65, 66, 90,  
91

Date: 3/22/79      Pages: 43, 96, 119, 120, 221, 124, 125,  
136, 137, 147, 151, 155, 156, 157

Transcripts of W. Mark Felt:

Date: 8/26/76      Pages: 14, 15, 39

Date: 3/15/78      Pages: 14, 15, 39  
(reading)

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

- v -

L. PATRICK GRAY, III  
W. MARK FELT and  
EDWARD S. MILLER

Crim. No. 78-000179

PROTECTIVE ORDER

This matter comes before the Court upon the motion of the United States for a Protective Order to prevent the unauthorized disclosure or dissemination of classified National Security documents which have been or will be disclosed to defense counsel as part of the discovery process in this case. As used herein, the term "classified National Security document" refers to any document (or information contained therein) which is disclosed to defense counsel as part of the discovery process in this case, bears the designation "**Confidential**", "Secret", or "Top Secret", and does not bear a clear indication that it has been declassified by the Agency or Department of government that originated the document or the information contained therein (hereinafter referred to as "the originating agency"); such documents are under a National Security Classification pursuant to Executive Order 11652, 3 C.F.R. 339 (1974), reprinted in 37 Fed. Reg. 5209 (1972) and in 50 U.S.C. §401, at 3682 (Supp. IV 1974). Those documents are the general subject matter of Part One of this Protective Order.

Some of those documents contain Sensitive Compartmented Information (SCI); such documents are the general subject matter of Part Two of this Protective Order.

Part Three of this Protective Order sets forth provisions of general applicability.

*4- file pvt*  
Greenberg/Gray-5541

The Court having considered the matter, pursuant to Rule 16(d)(1), Federal Rules of Criminal Procedure, and pursuant to the inherent power of the Court,

PART ONE

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 1978, that:

(1) Without prior authorization of the originating agency, there shall be no disclosure or dissemination of any classified National Security document except as provided in this Protective Order.

(2) Without prior authorization of the originating agency, there shall be no public disclosure, by either the prosecution, the defense, or any other individual, of any classified National Security document until such time, if ever, that such document is admitted by the Court into evidence at the trial of this case.

(3) The three (3) defendants in this case and Alan I. Baron, counsel for defendant L. Patrick Gray III, Brian P. Gettings, counsel for defendant W. Mark Felt, and Thomas A. Kennelly, counsel for defendant Edward S. Miller, all having been granted a Top Secret security clearance by the Department of Justice, shall have full access to all classified National Security documents in this case. Said defense counsel may also disclose such classified National Security documents to any co-counsel, consultant, expert, paralegal or clerical personnel who are assisting them in the preparation of this case and who have received Top Secret security clearances. Each such security clearance shall be expeditiously granted by the Department of Justice, provided the requisite full-field background investigation has been favorably conducted and in the absence of good cause for withholding such clearance.

(4) Counsel for any party to this case may discuss classified National Security documents with a potential witness in the case only after having been informed that the government has made a favorable determination of the current trustworthiness of such potential witness. The Department Security Officer of the Department of Justice (or his designee) will expeditiously determine the current trustworthiness of any potential witness and will make--and communicate to counsel-- a favorable determination in the absence of good cause for believing the potential witness to be untrustworthy. Upon request of counsel for any party to this case, the Department Security Officer (or his designee) shall submit to the Court, under seal, the reasons for withholding such a favorable determination as to a potential witness with whom any such counsel wishes to discuss any classified National Security document. The Department Security Officer (or his designee) shall not disclose in any manner to counsel for any party to this case the identity of any individual denominated as a potential witness by counsel for any other party.

(5) Counsel for any party to this case shall exhibit a copy of this Protective Order to any potential witness to whom any classified National Security document (or contents thereof) is to be disclosed and shall obtain from such potential witness a signed Witness Acknowledgement that he agrees to be bound by the secrecy provisions of this Protective Order and by the regulations pertaining to the handling of classified National Security documents. A copy of this Protective Order and of said regulations shall be left with any such potential witness. The Witness Acknowledgement to be signed by each such witness is attached hereto as Attachment "A".

(6) Counsel shall at all times be responsible for arranging to store any classified National Security documents of which they have possession in an FBI or other secure facility, in accordance with FBI requirements for protecting such documents.

(7) Defense counsel shall forthwith permit the Department Security Officer (or his designee) to affix the appropriate classifications to any grand jury transcript in the possession, custody or control of defense counsel which contains classified National Security information and must therefore be denominated a classified National Security document.

(8) With respect to all documents involved in the discovery process in this case, the government may redact any references:

- (a) that would tend to compromise pending investigations;
- (b) that constitute identifying data as to third parties who were unrelated to the Weatherman Organization and were not the subjects of FBI investigation; or
- (c) that would tend to disclose intelligence sources and methods--but the government may not redact references to non-live sources in the FBI investigation of the Weatherman Organization.

Defendants and defense counsel shall forthwith return to government counsel all existing copies of certain pages of certain grand jury transcripts which are presently in their possession, custody or control and which are known to contain references that would tend to disclose intelligence sources and methods,

as more fully set forth in Attachment "B" hereto. The government shall then forthwith provide to defense counsel substitute pages which shall have been redacted so as to remove references that would tend to disclose intelligence sources and methods. Defendants and defense counsel shall, throughout the pendency of this case, have access to unredacted copies of all such transcripts at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

PART TWO

WHEREAS certain documents involved in the discovery process and in grand jury proceedings in this case contain Sensitive Compartmented Information (SCI), the storage, handling, and control of which require extraordinary security precautions as mandated by Director of Central Intelligence Directive 1/19, "Uniform Procedures For Administrative Handling and Accountability of Sensitive Compartmented Information (SCI)"; and

WHEREAS it is not feasible to provide storage facilities for SCI at the offices of defense counsel; and

WHEREAS access to SCI requires a special security clearance and specific execution of a secrecy oath pursuant to Director of Central Intelligence Directive 1/14, "Minimum Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information"--

IT IS HEREBY FURTHER ORDERED THAT the following provisions, in addition to the provisions of PART ONE, shall apply to SCI:

(9) Each defendant, defense counsel, and any consultant, expert, paralegal, or clerical personnel who are assisting them in the preparation of this case shall be granted access

to SCI, as set forth in paragraph (11) below, provided the requisite full-field background investigation has been favorably conducted and in the absence of good cause for withholding such access, and provided further that such person has specifically executed the required SCI secrecy oath (copy attached hereto as Attachment "C").

(10) Defendants and defense counsel shall forthwith return to government counsel all existing copies of certain pages of certain grand jury transcripts which are presently in their possession, custody, or control and which are known to contain SCI, as more fully set forth in Attachment "D" hereto. The government shall then forthwith provide to defense counsel substitute pages which shall have been redacted so as to remove SCI. Defendants and defense counsel shall, throughout the pendency of this case, have access to unredacted copies of all such transcripts at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

(11) Any document which is otherwise discoverable in this case but which contains SCI shall be provided to defense counsel in redacted form so as to remove SCI. Defendants and defense counsel shall, throughout the pendency of this case, have access to any such document without any such SCI redaction (but with such other redactions, if any, as are authorized by paragraph (8) above); such access shall be provided at the Department of Justice Special Security Center during normal business hours and at any other times upon reasonable request.

(12) The provisions of paragraph (4) of this Protective Order are hereby supplemented in that the same procedures mandated therein shall also be applied so as to require a prior determination of authority to have access to SCI for any potential witness with whom any counsel wishes to discuss SCI.



(13) The provisions of paragraph (5) of this Protective Order are hereby supplemented in that any counsel who wishes to discuss SCI with a potential witness shall first require any such witness to execute the required SCI secrecy oath.

(14) The requirements of paragraph (13) of this Protective Order shall not apply to the extent that potential witnesses who are current government employees and have been determined to have a present Top Secret security clearance and authorization for access to SCI need not be required to execute the SCI secrecy oath.

(15) All counsel shall be fully briefed by the Department Security Officer (or his designee) as to the general nature of information that must be handled as SCI and shall be alerted by him to the specific subject matters involved in the discovery process in this case which constitute SCI. In addition, all counsel shall alert potential witnesses to the possibility that they may be discussing SCI and shall request such witnesses similarly to alert counsel at any time the witness, from his own knowledge, believes that the information being discussed is SCI. Should counsel have any doubts as to whether or not a particular subject matter constitutes SCI, they shall seek the guidance of the Department Security Officer (or his designee) for a proper determination. The Department Security Officer (or his designee) shall not disclose to counsel for any party to the case the nature of any such inquiries from any other counsel.

PART THREE

(16) Nothing in this Protective Order (or in any secrecy agreement or oath) shall be construed as a waiver of any right by any defendant in this case, including such defendant's right to seek the introduction of any document into

evidence at trial and such defendant's right to proffer at trial oral testimony concerning any information which may be contained in any of the discovery documents which are the subject matter of this Protective Order. There shall, however, be a Supplementary Protective Order issued prior to the trial of this case, which shall establish procedures for dealing with classified National Security documents at trial. Such procedures shall include (but not necessarily be limited to) ones which (a) require defense counsel to give to the Court and government counsel reasonable advance notice of defense counsel's intention to utilize or discuss any classified National Security document or subject matter at trial; (b) establish that there shall be in camera consideration of the admissibility of any such evidence; and (c) allow government counsel sufficient time, prior to the admission of any such evidence, to consult with interested government agencies with regard to the options then available to the government.

---

United States District Judge

Greenberg/Gray-5548

WITNESS ACKNOWLEDGEMENT

I, \_\_\_\_\_, have been requested  
by \_\_\_\_\_, (designee of) counsel for \_\_\_\_\_  
\_\_\_\_\_, to discuss with him matters pertaining to  
the case of United States v. L. Patrick Gray III, et al. I  
have voluntarily agreed to discuss such matters and have been  
shown a copy of the Protective Order issued in that case on  
\_\_\_\_\_. I acknowledge that I have read that  
Protective Order and have read and am familiar with the federal  
regulations set forth in \_\_\_\_\_ CFR \_\_\_\_\_ pertaining to the  
handling of classified information. I hereby acknowledge that,  
as to any classified matters I may discuss with counsel in  
this case, I am bound by the secrecy provisions of the said  
Protective Order and by the said federal regulations. (I  
further acknowledge that, as to any matters I may discuss with  
counsel in this case concerning Sensitive Compartmented Infor-  
mation, I am bound by the provisions of the required SCI secrecy  
oath, which I have executed and attached hereto.)

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Counsel (or designee)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

\_\_\_\_\_  
Date

Greenberg/Gray-5549

ATTACHMENT "A"

PAGES OF GRAND JURY TRANSCRIPTS WHICH  
CONTAIN REFERENCES THAT WOULD TEND TO  
DISCLOSE INTELLIGENCE SOURCES AND METHODS  
AND WHICH THEREFORE REQUIRE SUBSTITUTION  
OF REDACTED PAGES.

Transcripts of L. Patrick Gray:

Date: 10/6/76      Pages: 27, 30, 34, 38, 39, 40, 43, 44,  
45, 48, 52, 53, 64, 65, 66, 89, 90

Date: 3/20/78      Pages: 27, 31, 35, 39, 40, 41, 44, 45,  
(reading)                      46, 49, 54(a), 54(b), 65, 66, 90,  
91

Date: 3/22/78      Pages: 43, 96, 119, 120, 121, 124, 125,  
136, 137, 147, 151, 155, 156, 158

Transcripts of W. Mark Felt:

Date: 8/26/76      Pages: 14, 15, 39

Date: 3/15/78      Pages: 14, 15, 39  
(reading)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

ATTACHMENT "B"

Greenberg/Gray-5550

NONDISCLOSURE AGREEMENT  
SENSITIVE COMPARTMENTED INFORMATION

1. I, (print full name) \_\_\_\_\_, hereby acknowledge that I have received a security indoctrination concerning the nature and protection of certain classified information and intelligence sources and methods, which are known as Sensitive Compartmented Information, designated as: \_\_\_\_\_, and hereinafter referred to as "the designated Sensitive Compartmented Information."

2. I have been advised that direct or indirect unauthorized disclosure, unauthorized retention or negligent handling of the designated Sensitive Compartmented Information by me could cause irreparable injury to the United States and be used to advantage by a foreign nation.

3. I have been advised of the security handling, storage, and transmittal procedures which are to be used to protect the designated Sensitive Compartmented Information, and the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and I understand these procedures.

4. In consideration of being granted access to the designated Sensitive Compartmented Information, I pledge that I will never divulge such information, in any form or any manner, to anyone who is not authorized to receive it, without prior written authorization from an appropriate official of the United States Government.

5. I have been advised that any unauthorized disclosure of the designated Sensitive Compartmented Information by me may be a substantial violation of this agreement, and may result in the termination of my employment. In addition, I have been advised that any such unauthorized disclosure by me may constitute violations of United States civil or criminal laws, including, as to the latter, the provisions of Sections 793, 794, and 798, Title 18, United States Code, and of Section 783, Title 50, United States Code.

6. I understand and agree that the United States Government may choose to apply, prior to any unauthorized disclosure of the designated Sensitive Compartmented Information by me, for a court order prohibiting such disclosure.

7. In any civil action which may be brought by the United States Government for breach of this agreement, the law of the District of Columbia shall govern the interpretation of this agreement. I have been advised that the action can be brought against me in any of the several appropriate United States District Courts where the United States Government may elect to file the action. Court costs, and reasonable attorneys fees incurred by the United States Government may be assessed against me if I lose such action.

8. I hereby assign to the United States Government all rights, title and interest, and all royalties, remunerations, and emoluments that have resulted, will result or may result from any such disclosure, publication or revelation not consistent with the terms of this agreement.

FORM 4066  
5-78

ATTACHMENT "C"

(12)

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HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5551

9. I understand that, upon demand by an authorized representative of the United States Government, I must surrender all materials concerning the designated Sensitive Compartmented Information which are then in my possession or for which I am then responsible. I understand that the designated Sensitive Compartmented Information is, and will continue to be, the property of the United States Government, and my failure to return all materials reflecting this information to the United States Government upon demand, may subject me to the penalties set out in Section 793 of Title 18, United States Code.

10. Unless I am released in writing by an authorized representative of the United States Government, I understand that all the conditions and obligations imposed upon me by this agreement apply during the time I am granted access to the designated Sensitive Compartmented Information, and at all times thereafter.

11. Nothing in this agreement constitutes a waiver on the part of the United States of the right to prosecute me for any statutory violation. Nothing in this agreement constitutes a waiver on my part of any defenses I may otherwise have in any civil or criminal proceedings.

12. Each provision of this agreement is severable. If a court should find any provision of this agreement to be unenforceable, all other provisions of this agreement shall remain in full force and effect.

13. I have read this agreement carefully and my questions, if any, have been answered to my satisfaction. I acknowledge that the briefing officer has made available Sections 793, 794, 798, and 1001 of Title 18, United States Code, Section 783 of Title 50, United States Code, Executive Order 11652, as amended, and the National Security Council Directive of 17 May 1972, as amended, which implements this Executive Order so that I may read them at this time, if I so choose.

14. I have been advised that any false statement made by me in this agreement may subject me to the penalties set out in Section 1001 of Title 18, United States Code.

15. I make this agreement without any mental reservation or purpose of evasion.

WITNESS:

_____	Signature
Signature _____	Date _____
Date _____	SSN (see Notice below) _____

NOTICE Organization \_\_\_\_\_

The Privacy Act, 5 U.S.C. 552a, requires that federal agencies inform individuals, at the time information is solicited from them, whether the disclosure is mandatory or voluntary, by what authority such information is solicited, and what uses will be made of the information. You are hereby advised that authority for soliciting your Social Security Account Number (SSN) is Executive Order 9397. Your SSN will be used to identify you precisely when it is necessary to certify that you have access to the information indicated above. While your disclosure of your SSN is not mandatory, your failure to do so may delay the processing of such certification.

PAGES OF GRAND JURY TRANSCRIPTS WHICH  
CONTAIN SCI AND WHICH THEREFORE REQUIRE  
SUBSTITUTION OF REDACTED PAGES

Transcripts of L. Patrick Gray:

Date: 10/6/76      Pages: 9-11, 13-14, 21-22, 25, 27-40, 42-54,  
77, 86-93, 113

Date: 3/20/78      Pages: 10-11, 13-15, 21-22, 26-41, 43-55,  
(reading)      78, 87-93

Date: 3/22/78      Page: 16  
(reading)

Date: 3/22/78      Pages: 41, 43, 51-55, 58-59, 73, 82, 96-98,  
102-110, 112-115, 117, 119-120, 122-132,  
135-139, 142-146, 148, 150-153, 162-164,  
171      155-158,

Transcripts of W. Mark Felt:

Date: 8/26/76 A.M.      Pages: 9, 13-15, 33, 35-37, 39, 43-44,  
51-53, 55-56

Date: 8/26/76 P.M.      Pages: 15-18, 26, 29

Date: 3/15/78      Pages: 10, 13-15, 33, 35-37, 39, 43-44,  
(reading)      51-53, 55-56, 77-80, 91, 98

Transcripts of Edward S. Miller:

Date: 8/26/76      Pages: 39-40, 42-48, 50-51, 54-56, 69, 70

Date: 9/1/76      Pages: 10, 20-21, 36

Date: 3/15/78      Pages: 41-42, 44-50, 53, 56-58, 71, 72  
(reading)

Date: 3/20/78      Pages: 10-11, 21, 36  
(reading)

Transcript of William C. Sullivan:

Date: 7/15/77      Pages: 15, 53-54, 64-65, 67-69, 71-74, 78-81,  
83-84, 94-95, 100-101, 105, 120-121,  
166-167, 186-187, 232

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DATE 04-02-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5553

ATTACHMENT "D"

UNITED STATES GOVERNMENT

# Memorandum

TO: Paul V. Daly  
Federal Bureau of Investigation

DATE: December 15, 1978

FROM: Breckinridge L. Willcox  
Criminal Division

FEDERAL GOVERNMENT

SUBJECT: Jencks Material, United States v. Gray, et al.

Under our Jencks obligations, we will be required to produce statements of those FBI agents who have recently been interviewed in connection with the administrative investigation of the matters the instant prosecution is concerned with.

We would appreciate it if you would furnish to us, no later than Wednesday, December 20, all 302s or other documents reflecting interviews or statements, in connection with the administrative proceedings, of those individuals on the attached list.

Any necessary classification should be done in accordance with our previous instructions.

Attachment.

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

ENCLOSURE



9 JAN 16 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

*Handwritten notes:*  
4-11-78  
Attachments  
handled delivered  
to Willcox by  
James Brennan  
12/20-21/78  
REC-20 62-118045-113  
62-118045  
20 JAN 8 1979



UNITED STATES GOVERNMENT

# Memorandum

FEDERAL GOVERNMENT

TO : *PD* Paul V. Daly  
Federal Bureau of Investigation

DATE: December 15, 1978

FROM *BW* Breckinridge L. Willcox  
Criminal Division

SUBJECT: Classification Review of Jencks Material

*L. Patrick May*

In further reference to our memorandum of September 27, 1978, please find enclosed Jencks material, either Grand Jury transcripts, 302s or memoranda of interview on the attached list.

Any classification should be done in accordance with our previous instructions.

To complete our Jencks obligations, we will require this material, as well as that furnished on September 27, to be returned to us by the close of business, December 20.

Attachment

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

*Attachments  
returned  
to Willcox  
12/29-21/78  
BWD/fmk*

*me*  
ENCLOSURE

EX-113  
REC-20

*62-118045-114*

20 JAN 8 1979

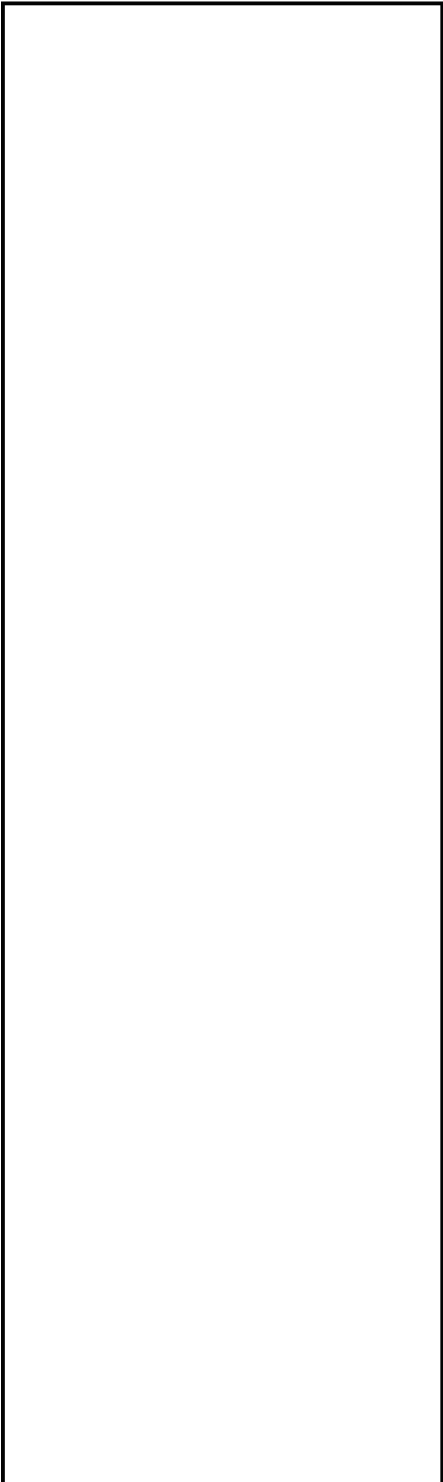


*Gile  
PD  
H*

*62-118045*



7 9 5016110 16 1979

Buy U.S. Savings Bonds Regularly on Payroll Savings Plan

<u>Name</u>	<u>Grand Jury Trans.</u>	<u>Memo of Interview</u>	<u>302</u>
	1	1	
		2	
		1	
		1	1
		1	
		3	
	1	1	
		1	
		2	
		1	1
	1	2	
		1	
			
		1	
	1		
	3	1	2
		1	
		1	
	1	2	1
		2	
		1	
		1	2
		1	

b3  
b6  
b7C

62-118045-114

Greenberg/Gray-5557

ENCLOSURE

FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ E F T O  
☐ CLEAR

Date 12/15/78

TO: DIRECTOR, FBI  
 FROM: SAC, CINCINNATI (100-22287) (RUC)  
 SUBJECT: UNITED STATES V. L. PATRICK GRAY  
 ET AL  
 CRIMINAL NUMBER 78-000179,  
 DISTRICT OF COLUMBIA

Re Bureau airtel to Albany dated 12/7/78; Cincinnati telephonic contact with FBI Headquarters, 12/13/78.

It is to be noted that former SAC, [REDACTED], has retired as of 11/30/78, and was not provided enclosed item from referenced Bureau airtel.

OTHER Pursuant to Sealed Court Order

Enclosed copy of memorandum was provided SA [REDACTED] advised that he would be completely available for the months of January and February. He did note that he will be attending General Police Instructor in-service at Quantico from 1/7-19/79.

2 - Bureau  
 1 - Cincinnati

OTHER Pursuant to Sealed Court Order

RLD:skm  
 (3)

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-02-2009 BY 65179 dmh/baw/sbs

EX-113

REC-20

62-118045-115

14 DEC 18 1978

Greenberg/Gray-5558

Approved: \_\_\_\_\_

Transmitted \_\_\_\_\_

(Number)

(Time)

Per \_\_\_\_\_

79 JAN 16 1979

X

12/15/78

TO: DIRECTOR, FBI  
FROM: SAC, CINCINNATI (100-22287) (RUC)  
SUBJECT: UNITED STATES V. L. PATRICK GRAY  
ET AL  
CRIMINAL NUMBER 78-000179,  
DISTRICT OF COLUMBIA

Re Bureau airtel to Albany dated 12/7/78; Cincinnati telephonic contact with FBI Headquarters, 12/13/78.

It is to be noted that former SAC, [REDACTED], has retired as of 11/30/78, and was not provided enclosed item from referenced Bureau airtel. OTHER Pursuant to Sealed Court Order

Enclosed copy of memorandum was provided SA [REDACTED] [REDACTED] advised that he would be completely available for the months of January and February. He did note that he will be attending General Police Instructor in-service at Quantico from 1/7-19/79. OTHER Pursuant to Sealed Court Order.

2 - Bureau  
1 - Cincinnati

RLD:skm  
(3)

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

FACTS COPY

Greenberg/Gray-5559

UNITED STATES GOVERNMENT

# Memorandum

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

TO: *PD* Paul V. Daly  
Federal Bureau of Investigation

DATE: December 21, 1978

FROM: *[initials]* Barnet D. Skolnik  
Special Assistant U.S. Attorney

~~FEDERAL GOVERNMENT~~

SUBJECT: Proof of Citizenship; United States v. L. Patrick Gray, et al

As you are aware, the Government will need to prove the United States citizenship of the victims in the above styled case. We are informed that Bureau agents, specifically those handling fugitive cases, have experience in obtaining birth certificates from the appropriate custodians.

We respectfully request that you direct this memorandum to those Bureau agents in the field who could most easily obtain a copy of the birth certificates of the following individuals. We have included all relevant information presently known to us as to place and date of birth. Please note that we will require this information for trial purposes; consequently, we will need a certified true copy, or similar *me* documentation, of the birth certificates of the following:

[Redacted box]

REC-20 62-118045-116

[Redacted box]

OTHER Pursuant to Sealed Court Order

20 JAN '8 1979

62-118045



7 9 16 1979

5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg Gray-5560

PVD:cas 12-27-78



If additional information (names and DOB of parents, for example) is required, it is possible that the prosecutors could obtain it. If such additional information is required, or if other questions arise, please contact Task Force Attorneys Breck Willcox or Frank Martin at 724-7011.

Please note that we will require this documentation no later than January 18, 1979.

Airtel

Greenberg/Gray-5562

12/28/78

To: ADIC, New York  
SACs, Newark  
Chicago  
Cincinnati

1 - Mr. Bassett

From: Director, FBI

UNITED STATES V. L. PATRICK GRAY, ET AL;  
DISTRICT OF COLUMBIA, CR 78-000179  
BUDED: 1/9/79

In connection with the forthcoming trial in captioned matter the Department has requested they be furnished certified true copies of the birth certificates for the following individuals:

OTHER Pursuant to Sealed Court Order

NAME

DOB

POB

<u>NAME</u>	<u>DOB</u>	<u>POB</u>
[Redacted]		

Receiving offices obtain the requested birth certificates for individuals within your territory and forward same to FBIHQ, Attention: SA Paul V. Daly, Records Management Division, to reach FBIHQ by 1/9/79. Should difficulty be encountered in obtaining same promptly advise FBIHQ.

Identifying information being furnished is from FBIHQ files; additional information where necessary may be located in your files.

2 - Brooklyn/Queens  
2 - New Rochelle

NOTE: By memorandum, Barnett D. Skolnik to Paul V. Daly 12/21/78 Department requested birth certificates to establish U.S. citizenship. Deadline is necessary in view of Department's request they be furnished same by 1/18/79.

PVD:car (15)

APPROVED:

Director  
Assoc. Dir.  
Dep. AD Adm.  
Dep. AD Inv.

Adm. Serv.  
Crim. Inv.  
Ident.  
Intell.  
Laboratory

Legal Coun.  
Plan. & Insp.  
Rec Mgnt.  
Tech. Servs.  
Training  
Public Affs. Off.

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.:  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

79 JAN 16 1979

MAIL ROOM ☒

20 JAN 8 1979

pro

6888 JEH

UNITED STATES GOVERNMENT

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

# Memorandum

TO : John A. Mintz  
Legal Counsel Division  
FBI

FROM *BN* Breckinridge L. Willcox  
Criminal Division

DATE: December 21, 1978

FEDERAL GOVERNMENT

SUBJECT: Bureau Witnesses; United States v. L. Patrick Gray, et al

b6  
b7C

*CS'*

In further reference to our memorandum of October 27, 1978, captioned as above, please add the following name to the list of prospective witnesses who should be made available for the purposes of trial:



(SA-WFO)

*me*

Thank you for your assistance.

OTHER Pursuant to Sealed Court Order

*me*  
ENCLOSURE

*12/27/78 referred to Admin. Services Division for identification of and notice to the employee.*

REC-20

62-118045-118

EX-113

17 JAN 2 1979

Greenberg/Gray-5563



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

9-LEGAL COUNSEL

7 9 JAN 17 1979



UNITED STATES GOVERNMENT

# Memorandum

TO : Witnesses for the Trial

DATE: October 27, 1978

FROM : Breckinridge Willcox  
Criminal Division  
U.S. Department of Justice

SUBJECT: United States v. Gray, et al., Crim. No. 78-000179,  
District of Columbia

Attached is a request for your appearance as a witness in the above captioned case.

The trial is presently scheduled to begin on January 22, 1979. Testimony may not begin on that precise day, and/or your testimony may not be required until a later day. For these reasons the specific date upon which you will be called to testify cannot now be finally determined. You therefore need not appear in court on January 22, but should treat the request as being continuing in nature. That means that it will continue to require your presence in court whenever during the pendency of the case you may be notified that any party in the case wishes you to appear in court. As soon as that date has been determined, we will let you know. We hope that this procedure will involve as little inconvenience to you as possible. It is quite possible that neither side will want to call you as a witness, but you should plan to be available for several weeks after January 22 in the event that you are called as a witness.

You will be notified in a timely fashion if your presence is required. If you plan to be in a travel status in December (except for the holidays) or in January, it is imperative that you keep us informed as to how to reach you. Please call me at 724-7011 to inform me (or my secretary) of your travel plans, or if you have any questions.

At some point before your appearance in court we may contact you again to invite you to attend a pretrial interview. You will be under no obligation to accept that invitation; whether or not to do so will be entirely up to you. Similarly, it is possible that defense attorney and/or defense investigators may contact you to invite you

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DATE 04-02-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5565



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE

62-118045-118

to be interviewed by them. Again you will be under no obligation and will be entirely free to decide yourself whether or not to submit to such interview.

Airtel

12/29/78

To: SAC, Washington Field Office

From: Director, FBI

UNITED STATES V. L. PATRICK GRAY ET AL  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

ReBuairtel to All SACS dated 11/14/78, captioned  
U. S. VS L. Patrick Gray III et al, set forth instructions  
that Legal Counsel Division should be notified if any employee  
is contacted by defense attorneys or representatives of de-  
fense attorneys concerning this case.

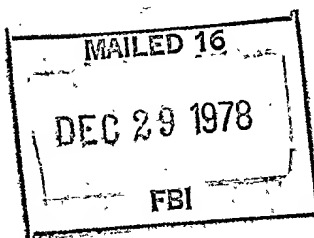
OTHER Pursuant to Sealed Court Order

Enclosed are copies of two memoranda from the  
Criminal Division, Department of Justice, dated 10/27/78, the  
first addressed to John A. Mintz, Legal Counsel Division, and  
the second addressed to "Witnesses for the Trial" which should  
be detached and furnished to SA [redacted]

In the event SA [redacted] will not be available during  
the four-week period on or after 1/22/79, Legal Counsel  
Division should be immediately advised. Also, Legal Counsel  
Division will provide guidance in securing a release from  
Employment Agreement if SA [redacted] is contacted by defense  
attorneys.

OTHER Pursuant to Sealed Court Order

Enclosures 2



Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.:  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

OTHER Pursuant to Sealed Court Order

1 - Personnel file of SA [redacted]

JLW:las  
(5)

DEC 28 11 22 AM '78

REC-20

REC'D [redacted]

62-118045

62-118045-119

17 JAN 8 1979

79 JAN 16 1979  
MAIL ROOM

Greenberg/Gray-5567

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.:  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 12/5/78

FROM : Legal Counsel *JMA*

SUBJECT: UNITED STATES V. GRAY, ET AL

OTHER Pursuant to Sealed Court Order

SA [ ] Records Management Division, called Inspector [ ] on Monday, 12/4/78, to advise that he has been subpoenaed as a witness in captioned case. He inquired as to whether or not the Department would provide witnesses with attorneys and whether the Government would make the appropriate provisions for witnesses to obtain an attorney.

OTHER Pursuant to Sealed Court Order

[ ] was advised that the Department has not furnished Legal Counsel Division with any information concerning the availability of either Departmental representation or affording private counsel to witnesses in this case, but that an inquiry would be made and that he would be apprised of the results of that inquiry.

OTHER Pursuant to Sealed Court Order

Departmental Attorney Breckinridge Willcox, Criminal Division, Department of Justice, was telephonically contacted by Inspector [ ] and Mr. Willcox advised that to his knowledge, the Department's position is one in which they would review requests by witnesses for representation on an ad hoc basis. He suggested that [ ] should prepare a communication to the Attorney General setting forth his desire to be represented by counsel in his capacity as a witness in the above-captioned case.

[ ] was then called back by Inspector [ ] at 5:36 p.m., 12/4/78, and apprised of the procedure suggested by Mr. Willcox.

OTHER Pursuant to Sealed Court Order

## RECOMMENDATION:

For information.

JCF:nls (5)

- 1 - Mr. Bassett (Attn. [ ])
- 1 - Mr. Daly
- 1 - Mr. Mintz
- 1 - Personnel File [ ]

OTHER Pursuant to Sealed Court Order

APPROVED  
Director  
Assoc. Dir. *JMA*  
Dep. AD Adm. *JMA*  
Dep. AD Inv. *JMA*

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. *JMA*  
Plan. & Insp. *JMA*  
Rec Mgnt. *JMA*  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_



8 FEB 7 1979 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

PERFECT COPY b6 b7C

UNITED STATES GOVERNMENT

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-02-2009 BY 65179 dmh/baw/sbs

# Memorandum FEDERAL GOVERNMENT

TO : Paul V. Daly *PVD*  
Federal Bureau of Investigation

DATE: December 11, 1978

FROM : Francis J. Martin *FJM*  
Criminal Division

SUBJECT: Discovery, United States v. L. Patrick Gray, et al

*C* <sup>58</sup>  
The enclosed 4 memos from the Director, FBI to the Attorney General were found in DJ file 146-1-51-18249. As you will note, these copies bear the approval signature of the Attorney General.

Your review of the relevant FBI files is requested to ascertain whether these signed copies have previously been made available to the defendants during discovery. If so, we shall dispense with producing them ourselves.

*em*

*(Signature)*

*(Signature)*  
1-ENCLOSURE

EX-125

REC-20

*Already furnished under discovery*  
*62-118045-1208*  
11 MAR 13 1979

*4* *Daly PVD*  
Greenberg/Gray-5569



MAR 16 1979 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

227

71A5930

5-14-69 153

NATIONAL HEADQUARTERS OF THE STUDENTS FOR A  
DEMOCRATIC SOCIETY, CHICAGO, ILLINOIS

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-09-2009 BY 65179 dmh/baw/sbs

146-1-51-182419

DEPARTMENT OF JUSTICE		RECORD
20	JAN 25 1974	
O.R.C.M.		

Greenberg/Gray-5570

OFFICE OF THE DIRECTOR



~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

May 14, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: STUDENTS FOR A DEMOCRATIC SOCIETY  
INTERNAL SECURITY - STUDENTS FOR A  
DEMOCRATIC SOCIETY

The Students for a Democratic Society is a part of the New Left movement which is currently organized into approximately 235 chapters throughout the United States. The national headquarters is at 1608 West Madison Street, Chicago, Illinois.

The Students for a Democratic Society is a fiercely anarchistic group whose spokesmen boast of their determination to end our form of Government and destroy the traditions of democracy. Members of this organization have been in the forefront of the protest movement against United States policy in Vietnam and have called for an end to selective service as well as founding a number of antidraft unions.

During the past year drastic changes have occurred in the tactics employed by the Students for a Democratic Society to achieve their objectives. Students for a Democratic Society leaders who formerly advocated "nonviolence" and "passive dissent" are now urging the use of violence as a form of "active resistance" against the existing social order. Confrontation with school administrators now involves violence and heavy destruction of school property. Since April, 1968, major disorders precipitated by the revolutionary adherents of the Students for a Democratic Society have occurred on a number of college campuses.

At the Students for a Democratic Society National Convention held in June, 1968, one of the workshops dealt with explosives and sabotage techniques. The same militant mood was in evidence at a Students for a Democratic Society National Council meeting held in October, 1968, where pamphlets dealing with the making of various explosive devices were made available to the Students for a Democratic Society members.

~~SECRET~~

~~Group I~~

~~Excluded from automatic  
downgrading and  
declassification~~

Greenberg/Gray-5571

~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

At a National Council meeting of this organization held in Ann Arbor, Michigan, in December, 1968, a manual captioned "Work-In, a National SDS Summer Project" was brought to the attention of delegates to the meeting. This manual which has received wide distribution in this country sets forth a program by Students for a Democratic Society to invade industrial plants and other business organizations this summer for the purpose of disrupting operations and conducting an intensive propaganda campaign among employees geared against the United States and particularly private industry.

At an Eastern Regional Conference of the Students for a Democratic Society held on February 1-2, 1969, at Princeton University, Princeton, New Jersey, a five-page proposal entitled "Smash the Military Machine in the Schools" was distributed by the Columbia University Students for a Democratic Society chapter. This proposal called for fomenting student uprisings, agitational demonstrations and other disturbances and violence in universities and high schools this spring throughout the country. It strongly emphasized a nation-wide attack on Reserve Officers Training Corps on college campuses.

While this proposal has never been passed in the form of a resolution by the National Office of the Students for a Democratic Society, it nevertheless has been implemented on a number of occasions this spring by Students for a Democratic Society members and sympathizers. The major attack against Harvard University in April, 1969, was to abolish the Reserve Officers Training Corps at the University. Such attacks have also occurred at Yale University, George Washington University, Dartmouth College, Cornell University, California State College, Michigan State University and at many other colleges and universities.

At the Students for a Democratic Society National Council meeting held in Austin, Texas, in March, 1969, Michael Klonsky, Students for a Democratic Society National Secretary, advocated that Students for a Democratic Society become a strong, centralized, Marxist-Leninist, revolutionary movement. Many of the national leaders of Students for a Democratic Society support Klonsky in this regard.

~~SECRET~~

- 2 -



~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

During the six-month period from August, 1968, through January, 1969, 449 telephone calls were made from Students for a Democratic Society National Headquarters outside of the State of Illinois. During this same period of time an additional 86 telephone calls were made in Illinois outside of the metropolitan Chicago area.

A telephone surveillance on the national headquarters of the Students for a Democratic Society would provide extremely valuable information concerning the plans of this organization with respect to its efforts to implement its programs. Such a surveillance would supply valuable data concerning the advance planning of this group, its leaders and the source of its funds.

I, therefore, recommend the installation of a telephone surveillance on the national headquarters of the Students for a Democratic Society, 1608 West Madison Street, Chicago, Illinois, or any other address to which this organization may move in the future.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED *[Signature]*

DATE 5/14/69

~~SECRET~~

- 3 -

~~SECRET~~

## UNITED STATES DEPARTMENT OF JUSTICE

## FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

August 13, 1969

## MEMORANDUM FOR THE ATTORNEY GENERAL

RE: STUDENTS FOR A DEMOCRATIC SOCIETY  
INTERNAL SECURITY - STUDENTS FOR A  
DEMOCRATIC SOCIETY

Reference is made to this Bureau's memorandum dated May 14, 1969, captioned "Students for a Democratic Society, Internal Security - Students for a Democratic Society." By your approval of that memorandum on May 14, 1969, you authorized installation of telephonic surveillance on the national headquarters of the captioned organization at 1608 West Madison Street, Chicago, Illinois.

The telephone surveillance mentioned above has proved to be a source of valuable, timely and pertinent information concerning the activities, plans and operations of the Students for a Democratic Society. Information has been received concerning the travel plans of leaders and activists of the Students for a Democratic Society, the Students for a Democratic Society strategy for activities in the Fall of 1969, and information concerning the Students for a Democratic Society factional dispute with the Progressive Labor Party. Valuable data was furnished concerning Students for a Democratic Society support of a conference sponsored by the Black Panther Party, a militant racist group, in July, 1969. It is believed this surveillance's potential for continuation of this high-level performance is excellent, especially in furnishing information concerning the leadership, policy and activities of the Students for a Democratic Society.

DECLASSIFICATION AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-07-2009

~~SECRET~~~~Group 1~~

~~Excluded from automatic  
downgrading and  
declassification~~

Greenberg/Gray-5574

~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

Your authority is requested to continue the telephone surveillance at the Students for a Democratic Society national headquarters in Chicago for an additional three months.

Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED

DATE

*John N. Mitchell* (S.K.M.)  
*8/10/69*

~~SECRET~~

- 2 -



~~SECRET~~  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 13, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: STUDENTS FOR A DEMOCRATIC SOCIETY.

Reference is made to this Bureau's memorandum dated August 13, 1969, captioned "Students for a Democratic Society, Internal Security - Students for a Democratic Society." By your approval of that memorandum on August 14, 1969, you authorized the continuance of the telephone surveillance on the national headquarters of the captioned organization at 1608 West Madison Street, Chicago, Illinois.

The telephone surveillance mentioned above has continued to be a source of valuable, timely and pertinent information concerning the activities, strategy, plans and operations of the Students for a Democratic Society. The Weatherman faction of the Students for a Democratic Society, which is the action-oriented faction within the Students for a Democratic Society, controls the national headquarters and we therefore have been able to develop extremely valuable information concerning this group. Sensitive information has been recently developed concerning the travel of Students for a Democratic Society members and leaders abroad, the strategy and techniques of Weatherman faction at the recently held National Action demonstrations in Chicago, financial matters of the Students for a Democratic Society and the close relationship of this group with the Black Panther Party, a militant racist group.

It is believed this surveillance's potential for continuation of this high-level performance is excellent, especially in furnishing information concerning the leadership, policy and activities of the Students for a Democratic Society.

There are a substantial number of individuals currently under Antiriot Laws investigation as a result of their activity in Chicago, October 8-11, 1969. It is likely that certain of these may be overheard on this surveillance.

~~SECRET~~

GROUP 1 Excluded from automatic downgrading and declassification
---

Greenberg/Gray-5576

~~SECRET~~

-MEMORANDUM FOR THE ATTORNEY GENERAL

Your authority is requested to continue the telephone surveillance at the Students for a Democratic Society national headquarters in Chicago for an additional three months.

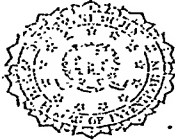
Respectfully,

*J. Edgar Hoover*  
John Edgar Hoover  
Director

APPROVED *J. P. Mulcahy*

DATE 11/13/69

OFFICE OF THE DIRECTOR



~~SECRET~~  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

February 12, 1970

DECLASSIFICATION AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-07-2009

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: STUDENTS FOR A DEMOCRATIC SOCIETY

Reference is made to this Bureau's memorandum dated November 13, 1969, captioned "Students for a Democratic Society." By your approval of that memorandum on November 13, 1969, you authorized the continuance of the telephone surveillance on the national headquarters of the captioned organization at 1608 West Madison Street, Chicago, Illinois.

The telephone surveillance mentioned above has continued to be a source of extremely valuable, timely and pertinent information concerning the activities, strategy, plans, and operations of the Weatherman faction of the Students for a Democratic Society. The Weatherman faction has been in complete control of the national headquarters of the Students for a Democratic Society since the June, 1969, National Convention. The Weatherman faction is totally committed to violent revolution at this time and has made strategic plans to build an underground paramilitary organization designed to carry out guerrilla warfare in the cities of the United States.

Weatherman members have moved into collectives in the major cities of the country and in an effort to keep their whereabouts unknown to local and Federal authorities are continuously moving from one collective to another. Sensitive information from the telephone surveillance has enabled the Federal Bureau of Investigation to locate many of these individuals as well as ascertaining the location of their frequently changing collectives. Furthermore, the identities of persons who participated in the recent trip to Cuba sponsored by the Venceremos Brigade have been furnished by this source.

~~SECRET~~

GROUP 1  
~~Excluded from automatic  
downgrading and  
declassification~~

Greenberg/Gray 5578

~~SECRET~~

MEMORANDUM FOR THE ATTORNEY GENERAL

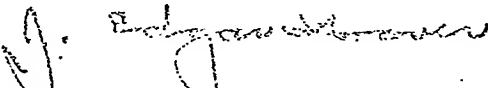
It is believed this surveillance's potential for continuation of this high-level performance is excellent, especially in furnishing information concerning the leadership, policy, and activities of the Students for a Democratic Society.


There are a substantial number of individuals currently under Antiriot Laws investigation as a result of their activity in Chicago, October 8-11, 1969. It is likely that certain of these individuals may be overheard on this surveillance.

At the current time, the Weatherman group is being forced to leave the premises at 1608 West Madison Street. However, a new headquarters has not been located and the move has not been completed.

Your authority is requested to continue the telephone surveillance at 1608 West Madison Street or to whatever new location the leadership of the Weatherman faction moves, for an additional three months. When the move is effected and telephone service installed at the new location, you will be advised.

Respectfully,

  
John Edgar Hoover  
Director

APPROVED 

DATE 2/12/70

~~SECRET~~

-2-

FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ E F T O  
☐ CLEAR

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 12/13/78

TO: DIRECTOR, FBI

FROM: SAC, NEWARK

SUBJECT: UNITED STATES V. L. PATRICK GRAY ET AL  
 CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

Re Bureau airtel to Albany, 12/7/78.

Enclosed for the Bureau is one copy of a memorandum from the Criminal Division of the Department to Assistant Director JOHN A. MINTZ, dated 10/27/78, captioned as above and a memorandum from the Criminal Division of the Department dated 10/27/78, to "Witnesses for the Trial".

Copies of the attached memoranda were provided to SA [redacted] as requested in referenced airtel.

However, copies of the enclosures designated for [redacted] are being returned to the Bureau as [redacted] is not assigned to Newark.

EX-114

REC-2 62-118045-121

JAN 3 1979

2 - Bureau (Enc. 2)  
 2 - Newark  
 JJOC/pmh  
 (4)

Approved: *[Signature]*

Transmitted 4:55PM  
 Greenberg/Gray

(Time)

Per *[Signature]*

79 JAN 23 1979



FBI

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ E F T O  
☐ CLEAR

Date 12/13/78

TO: DIRECTOR, FBI

FROM: SAC, NEWARK

SUBJECT: UNITED STATES V. L. PATRICK GRAY ET AL  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

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Copies of the attached memoranda were provided to SA [redacted] as requested in referenced airtel.

However, copies of the enclosures designated for [redacted] are being returned to the Bureau as [redacted] is not assigned to Newark.

2 - Bureau (Enc. 2)  
2 - Newark  
JJOC/pmh  
(4)

CARBON COPY

Greenberg/Gray-5581

Approved: \_\_\_\_\_

Transmitted \_\_\_\_\_  
(Number)

(Time)

Per \_\_\_\_\_

Assoc. Dir.  
 Dep. AD Adm.  
 Dep. AD Inv.  
 Asst. Dir.:  
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 Crim. Inv.  
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 Tech. Servs.  
 Training  
 Public Affs. Off.  
 Telephone Rm.  
 Director's Sec'y

b6  
 b7C

*Attorney*

CHATTANOOGA, TENNESSEE 37402

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

OUTSIDE SOURCE

December 8, 1978

EXP-PROC. #8  
 37 DEC 12 1978

Mr. William Webster, Director  
 Federal Bureau of Investigation  
 J. Edgar Hoover Building  
 Washington, D.C. 20535

*L. Patrick Gray III*

Dear Mr. Webster:

The FBI is the strongest force the American people have today between themselves and chaos. Your attempts to destroy it indicate one of two things, you are either a damned fool or in the employ of our enemies.

Sincerely,

b6  
 b7C

1-ENCLOSURE

EX-111  
 no adv 5-79  
 2-13-79  
 RJB: gma  
 DE2

62-118045-120X

3-29-79  
 16 DEC 11 1978

53 JUN 13 1979

7 APR 10 1979 Greenberg/Gray-5582

CORRESPONDENCE

No Routing Necessary  
 Per PLN

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

\* \* \* \* \*

**TWO FBI AGENTS** were ordered fired for illegal surveillance activities.

Director William Webster said the firings resulted from an investigation of break-ins, wiretaps and mail openings allegedly carried out by the FBI from 1970 to 1975 in its search for fugitive Weather Underground radicals. Webster said he also would demote one agent and suspend one for 30 days. But he said no action would be taken against 59 other active agents because they were acting under orders and without clear legal guidance from supervisors. The disciplinary actions against the four men, all supervisors, can be appealed to Webster and the courts.

Next month, former Acting Director L. Patrick Gray III and two top aides will go on trial on civil-rights charges arising from the Weather Underground case.

\* \* \* \* \*

THE SUPREME COURT

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Greenberg/Gray-5583

ENCLOSURE

62-118045-120 X1

AIRTEL

12/27/78

To: SAC, Newark

PERSONAL ATTENTION SAC

From: Director, FBI

UNITED STATES V. L. PATRICK GRAY ET AL  
CRIMINAL NUMBER 73-000170, DISTRICT OF COLUMBIA

Reurairtel 12/13/78 and Buairtel to Albany 12/7/78.

Enclosed are one copy each of two memoranda from the Criminal Division of the Department of Justice dated 10/27/78, the first addressed to John A. Mintz, Legal Counsel Division and the second addressed to Witnesses for the Trial.

The latter memorandum, inadvertently designated for [redacted] b6  
[redacted] in the Bureau's original airtel, should be b7C  
furnished to SA [redacted]

*Red*

Enclosures (2)

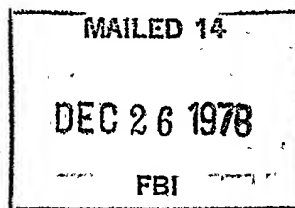
JLW:mlt

(9)

1 - Personnel File [redacted]

1 - Personnel File [redacted]

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_



DEC 26 11 58 AM '78  
REC'D JAN 3 1979

Greenberg/Gray-5584

FBI/DOJ

79 JAN 23 1979

Mr. D. Jerry Rubino  
Security Officer  
Department of Justice

b6  
b7C

1 - Mr. H. N. Bassett b6  
1 - [REDACTED] b7C

December 27, 1978

FEDERAL GOVERNMENT

[REDACTED] Security Officer  
FBI

SR  
C  
UNITED STATES V. L. PATRICK  
GRAY, ET AL.  
CLEARANCE OF POTENTIAL WITNESSES

Reference is made to your memorandum dated December 14, 1978, enclosing a list of prospective witnesses in the above matter, and to my memorandum dated December 19, 1978, setting forth information relating to those prospective witnesses included on the list.

OTHER Pursuant to Sealed Court Order

Additional research has determined that [REDACTED] included on the list, was a White House Fellow temporarily assigned to the Office of Planning and Evaluation of the FBI during the period August 28, 1972 - August 27, 1973. He was also assigned to the office of Acting Director L. Patrick Gray.

OTHER Pursuant to Sealed Court Order

This individual's full name is [REDACTED] and, during his period of assignment to the FBI, he was a Major in the U. S. Air Force. Upon assuming his duties at FBI Headquarters, he indicated he had previously been cleared for access to "Top Secret" and "SI." Records of this Bureau indicate his last known address, as of April 30, 1974, was [REDACTED] Kincheloe Air Force Base, Michigan 49788, telephone [REDACTED]

REC-60

62-418645-123

2 DEC 28 1978

DR:lfj  
(5)

FX-113

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

MAILED 6  
DEC 27 1978  
FBI

2 JAN 19 1979

MAIL ROOM

Greenberg/Gray-5585

DEC 31 15 00 PM '78  
REC'D CIVIL BROW

FBI/DOJ

UNITED STATES GOVERNMENT

# Memorandum

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 1-11-79

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

SUBJECT: UNITED STATES v. L. PATRICK GRAY, ET AL.  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

At 10:04 a.m. on January 11, Alan Baron, telephone number 301-547-0500, called and said that he is representing L. Patrick Gray in captioned prosecution. He requested me to arrange interviews for him with Bureau officials at FBI Headquarters. At his request, I have made the following arrangements.

OTHER Pursuant to Sealed Court Order

                                 will be interviewed by Mr. Baron at 11 a.m.,  
January 12, 1979, in                                  office.

## RECOMMENDATION:

For information.

### APPROVED:

*WUB*  
Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_

Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. *[Signature]*  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. *[Signature]*  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_

### NOTE:

On January 12, Mr. Baron called and cancelled his request for an interview and requested rescheduling.                                  said that he would be retired following January 12 and requested Mr. Baron to call him at telephone number                                  to arrange an interview. His request was conveyed to                                  Mr. Baron's secretary, at 4:20 p.m. on January 12. OTHER Pursuant to Sealed Court Order

- 1 -
- 1 - Mr. Mintz
- 1 - Personnel file of

### APPROVED:

*WUB*  
Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_

Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. *[Signature]*  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. *[Signature]*  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

JAM:bpr

(4)

OTHER Pursuant to Sealed Court Order

Greenberg/Gray-5586



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

UNITED STATES GOVERNMENT

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

# Memorandum

TO : Paul V. Daly  
Federal Bureau of Investigation

DATE: December 15, 1978

FROM : Breckinridge L. Willcox  
Criminal Division

FEDERAL GOVERNMENT

SUBJECT: Jencks Material, United States v. Gray, et al.

*CJ 56*  
Under our Jencks obligations, we will be required to produce statements of those FBI agents who have recently been interviewed in connection with the administrative investigation of the matters the instant prosecution is concerned with. *(also)*

We would appreciate it if you would furnish to us, no later than Wednesday, December 20, all 302s or other documents reflecting interviews or statements, in connection with the administrative proceedings, of those individuals on the attached list.

Any necessary classification should be done in accordance with our previous instructions.

Attachment.

SL 109

REC-50

62-118845-125

JAN 24 1979

*(also)*  
1- ENCLOSURE



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-5587

JAN 30 1979

*Returned  
12/21/78  
by J. Bremner  
4*

UNITED STATES GOVERNMENT

# Memorandum

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

TO: Paul V. Daly  
Federal Bureau of Investigation

DATE: December 15, 1978

FROM: Breckinridge L. Willcox  
Criminal Division

FEDERAL GOVERNMENT

SUBJECT: Jencks Material, United States v. Gray, et al.

Under our Jencks obligations, we will be required to produce statements of those FBI agents who have recently been interviewed in connection with the administrative investigation of the matters the instant prosecution is concerned with.

We would appreciate it if you would furnish to us, no later than Wednesday, December 20, all 302s or other documents reflecting interviews or statements, in connection with the administrative proceedings, of those individuals on the attached list.

Any necessary classification should be done in accordance with our previous instructions.

Attachment.

ENCLOSURE

EX-124

REC-2

62-118045-125\*

MAY 15 1979

memo to be sent to Director &  
12-22-78

let to

OPR, DOJ  
RCB:imt  
12-26-78

b6  
b7c



5010-110

66 MAY 12 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-5589

DOC. CLASS. REV.



UNITED STATES GOVERNMENT

# Memorandum

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

TO : John McDermott  
Deputy Associate Director  
Federal Bureau of Investigation  
FROM : Barnet D. Skolnik  
Special Assistant U.S. Attorney  
for the District of Columbia  
SUBJECT: United States v. Gray, et al

FEDERAL GOVERNMENT

DATE: December 19, 1978

*L. Patrick*

C<sup>56</sup>

I would like to thank the Bureau for its valuable assistance in preparing for the hearing conducted in the Gray case on November 29 and 30, 1978. I fully realize that the short timeframe involved necessitated extra duty work over the Thanksgiving holidays. I would like to extend my personal appreciation to the Special Agents and support personnel who participated in this work. As a result of their investigation, we were able to account for much of the material from IS-2 that is no longer available (i.e., we were able to determine that many folders were pure ticklers and/or that they did not relate to the Weatherman investigation). I have attached for your information a copy of an affidavit filed by government attorney Frank Martin in Clark v. United States. The affidavit, which opposes impounding the Bureau's Weatherman files, is based, in part, on the investigation conducted by the Bureau.

103 REC-50 62-118045-126  
JAN 24 1979

I would also like to note the invaluable assistance of Special Agent Paul Daly. Mr. Daly supervised the overall



ENCLOSURE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

9 JAN 30 1979

investigation in a thorough and expeditious manner. In addition, through extended efforts on his part we were able to determine that an important missing folder marked "Surreptitious Entries" contained information that had already been provided to the defense and that there was a witness available to testify concerning the contents of the folder.

Mr. Daly also attended the hearing and provided valuable assistance to both government and defense counsel with regard to the details of exactly what material was available. Finally, during the course of the hearing Mr. Daly realized that the Court had been provided with incorrect information and after determining the true facts, he promptly brought the situation to my attention and was able himself to take the witness stand and to clarify the situation for the Court.

Attachment

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUDITH CLARK, et al.,  
Plaintiffs,  
-against-  
UNITED STATES OF AMERICA, et al.,  
Defendants.

Index No. 78 Civ. 2244  
AFFIDAVIT

I, FRANCIS J. MARTIN, being duly sworn, state as follows:

(1) I am a trial attorney in the Criminal Division, United States Department of Justice.

(2) From August 1976 to the present I have been assigned exclusively to the investigation into illegal investigative techniques used by agents of the Federal Bureau of Investigation (FBI) during the FBI's investigation of the Weather Underground Organization (hereafter the "criminal investigation"). I am presently one of the government trial counsel in the pending case of United States v. L. Patrick Gray, et al. (D.D.C. Bryant, C.J.; No. 78 Cr. 000179).

(3) During the course of the criminal investigation certain relevant documents concerning various individuals were segregated (originals obtained or copied). This process included segregation of certain relevant documents pertaining to each of the plaintiffs, with the exception of plaintiff Rosahn. The records of that investigation, including certain original FBI documents and <sup>777 30667</sup>copies of other relevant FBI documents are under my personal custody and control.

(4) Transfer of the originals of all FBI files pertaining to plaintiffs to the United States Court House, Foley Square, New York, New York would severely hamper the orderly conduct of the trial of United States v. Gray, et al in that

certain of these original documents may be required by the government or the defense for use at trial. The trial is presently scheduled to commence on January 22, 1979.

(5) Discovery of FBI files in United States v. Gray, et al has required that each discoverable document be reviewed to determine whether an assertion of privilege should be made as to any portion of that document. Documents have then been produced as discovery in redacted form, i.e. privilege information having been redacted. This process of redaction can take place in an orderly fashion only at FBI headquarters where trained personnel and the substantial files which would need to be consulted are available.

(6) Production and publication of many of these documents, even in redacted form, could result in publicity that would unfairly affect the right of the defendants in United States v. Gray, et al to a fair trial.

(7) Plaintiffs' motion to transfer FBI files to Foley Square relies in large part on the motion made by defendant Miller to dismiss the indictment in United States v. Gray, et al due to the loss or destruction of documents seized on August 19, 1976. After a two day evidentiary hearing that motion was denied by Chief Judge Bryant on November 30, 1978. In preparation for that hearing I conducted certain interviews and caused certain investigations to be conducted by FBI agents working under my personal direction. The testimony at the evidentiary hearing as well the investigations conducted at my direction disclosed the following facts which may be relevant to this Court's consideration of plaintiffs' motion to remove FBI files to the United States Court House at Foley Square.


(a) Each and every document seized at FBI headquarters on August 19, 1976 was reviewed by FBI agents working under direction from the government prosecutors to remove and preserve documents relating to surreptitious entries (bag jobs), illegal wiretaps and illegal mail openings by FBI agents investigating the Weather Underground Organization. These agents removed sixty-four (64) relevant documents, all of which are presently available.

(b) The vast bulk of the documents seized were "tickler" copies, i.e. copies of documents in FBI official files. Tickler copies are maintained in folders by FBI supervisors at FBI headquarters in order to facilitate their supervision of cases. FBI regulations have mandated in the past that unless specific approval is given, tickler copies should not be kept for more than sixty (60) days. Presently, retention of tickler copies is left to the good judgement of each FBI headquarters supervisor.

(c) Approximately 2500 items (folders and correspondence) were seized on August 19, 1976 and approximately 1500 of those items are no longer available. Between August 1976 and the present a large number of domestic security cases were closed by the FBI. Tickler folders on approximately 500 such cases are among the 1500 items no longer available. Approximately 435 folders that are no longer available related to matters other than the Weather Underground Organization. Approximately 120 items were destroyed by Robert L. Shackelford, former Section Chief of the Internal Security Section number two (IS-2), the section which supervised the Weatherman investigation.

Approximately 120 items consisting of tickler folders and folders concerning the administration of the IS-2 section were destroyed when the IS-2 section was being disbanded. Finally, an additional 100 folders that are no longer available were clearly tickler folders.

(8) Attached hereto are the instructions followed by agents working with the prosecutors in reviewing Weatherman files in forty-four of the FBI's fifty-nine field office, Weatherman files at FBI headquarters, and the folders seized at FBI headquarters on August 19, 1976 (Attachment "A"). Also attached hereto is a copy of the directive prohibiting destruction of files relating to surreptitious entries or any other security or intelligence files. (Attachment "B") This directive was issued on June 1, 1976 at the request of J. Stanley Pottinger, Assistant Attorney General, Civil Rights Division.

  
FRANCIS J. MARTIN  
Trial Attorney  
Criminal Division

Subscribed and sworn before me  
this 5th day of December 1978

Annabelle Noaker  
Notary Public

MY COMMISSION EXPIRES AUGUST 31, 1983

# Memorandum

TO : Investigation Coordinator

DATE: June 11, 1971

FROM : William L. Gardner  
Chief  
Criminal Section

SUBJECT:

WE  
Scott

All file reviews, beginning with the Weatherfug files will be comprised of two tasks. The first is the xeroxing of certain pertinent material. The second is the compilation of a report to be submitted by the reviewing agent or agents

The following material should be xeroxed and attached to the report:

(1) Every serial containing any reference whatsoever implicit or explicit, to a symbol number previously identified (by whatever means) as the symbol for a surreptitious entry;

(2) Every serial containing information, or pertaining to tangible things, the source of which cannot be positively identified as something other than a surreptitious entry. In other words, if the source of (a) information contained in the serial or (b) the tangible things discussed in the serial may possibly be a surreptitious entry, the serial should be xeroxed.

The aforementioned report should have a standardized format to simplify the tasks of those persons who will make use of it.

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ATTACHMENT "A"

The report should contain:

- (a) file number - number of volumes
- (b) name of subject
- (c) date file opened and closed
- (d) in a few sentences, a characterization of the investigation's purposes
- (e) the investigative techniques used. In this subdivision, the report should list the various investigative techniques employed to include some detailed information with respect to the use of certain techniques:

1. live informants (actual and PSI) (name need not be initially furnished)

- (a) symbol number
- (b) serial number where they appear
- (c) nature of information furnished

2. Techs

- (a) symbol number
- (b) serials
- (c) authority
- (d) time used
- (e) nature of information furnished

3. mail covers

- (a) serials
- (b) time used
- (c) nature of information furnished



4. trash covers

- (a) serials
- (b) time used
- (c) nature of information furnished

5. surreptitious entries (apparent)

- (a) symbol number
- (b) date of entry
- (c) serial number

6. anonymous sources without symbol numbers

- (a) serial number
- (b) type of information furnished

The reports should be in a standardized format. If n information from a specified category is in a file, the repo should state so. When in doubt, information should be place in the report, not excluded.

EXHIBIT C

PLAINTEXT

TELETYPE

URGENT

JUNE 1, 1976

TO ALL SACS AND LEGATS

FROM DIRECTOR FBI

SURREPTITIOUS ENTRY

1 - Mr. Callahan  
1 - Mr. Jenkins  
1 - Mr. Adams  
1 - Each Assistant  
Director

EFFECTIVE IMMEDIATELY, ALL EMPLOYEES ARE HEREBY  
INSTRUCTED NOT TO DESTROY ANY DOCUMENTS, WHETHER IN  
OFFICIAL FILES, PERSONAL POSSESSION, OR OTHERWISE,  
RELATING TO SURREPTITIOUS ENTRY OR ANY OTHER SECURITY  
OR INTELLIGENCE FILES, MEMORANDA, DATA, INFORMATION OR  
PAPERS. THIS INSTRUCTION APPLIES TO ALL COPIES AS WELL  
AS ORIGINAL MATERIAL AND TO INDEX CARDS, ABSTRACTS, AND  
SUMMARIES WHEREVER THEY MAY BE LOCATED.

ADVISE ALL EMPLOYEES OF THIS INSTRUCTION.

EX-112 REC-88 1.1 1160-3  
CC of teletype furnished AAG, Civil  
Rights Division by r/s

NOTE: Mr. Adams requested this communication be prepared in  
response to item #4 in a memorandum from Assistant Attorney General,  
Civil Rights Division, to the Director dated May 28, 1976, captioned  
"Surreptitious Entry Investigation." Ticklers for  
information only at FBIHQ need not be retained,  
per instructions of Wm. J. Gardner, 6/1/76.

JAM:mfd  
Assoc. Dir. \_\_\_\_\_  
Dep. Dir. \_\_\_\_\_  
Asst. Dir. \_\_\_\_\_  
Adm. Serv. \_\_\_\_\_  
Ext. Affairs \_\_\_\_\_  
Fin. & Pers. \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Lab. \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Spec. Inv. \_\_\_\_\_  
Training \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director Sec'y \_\_\_\_\_

FEDERAL BUREAU OF INVESTIGATION  
COMMUNICATIONS SECTION

Ext. Affairs \_\_\_\_\_  
Gen. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Insp. \_\_\_\_\_  
Intell. \_\_\_\_\_  
JUN 29 1976  
RECEIVED

ATTACHMENT "B"

Greenberg/Gray-5600

Date of Mail 12/21/78

## Classification of Mail:

- ☐ Unclassified  
☐ Confidential  
☒ Secret  
☐ Top Secret  
☐ SCI

## Mail Category

Letter \_\_\_\_\_ Airtel \_\_\_\_\_  
LHM \_\_\_\_\_ Memo XX  
Report \_\_\_\_\_ Other \_\_\_\_\_  
Teletype \_\_\_\_\_

Subject L. PATRICK GRAYOriginator of Material  FBIHQb6  
b7C

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number 62-118045-127

PERMANENT SERIAL CHARGE-OUT

Greenberg/Gray-5601

UNITED STATES GOVERNMENT

# Memorandum

FEDERAL GOVERNMENT

TO : Paul V. Daly  
Federal Bureau of Investigation

DATE: January 3, 1979

FROM : *BH* Breckinridge E. Wilcox  
Criminal Division

SUBJECT: Classification of Discovery, United States v.  
L. Patrick Gray, et al

*C<sup>50</sup>*  
Enclosed please find 3 documents from the files of the Department Review Committee. We have deemed these to be discoverable. Please review them for appropriate classification, if any, and return them to us as soon as possible. *res*

SI 109

REC-50

62-118045-128

5 JAN 24 1979

3-ENCLOSURE  
*Gift*

*Classified and returned  
11/8/78 by James Brennan  
4- [Signature]*



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan  
Greenberg/Gray-5602

9 JAN 30 1979

~~CONFIDENTIAL~~

DECLASSIFICATION AUTHORITY FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 08-07-2009  
FBI INFORMATION ONLY  
Pages 1 and 5 only

9/29/76

DEPARTMENTAL REVIEW COMMITTEE (DRC) MEETING  
ON 9/28/76, ANDRETTA ROOM, JUSTICE BUILDING

(This is an unofficial report of the above meeting  
prepared for background and reference use only.)

Present as DRC Members:

Leon Ulman, Chairman, Deputy Assistant Attorney  
General (DAAG), Office of Legal Counsel (OLC).  
Robert Keuch, DAAG, Criminal Division.  
Roger Whidden, Special Assistant to the Deputy Attorney  
General (attending for Mr. Rudolph W. Giuliani).  
D. Jerry Rubino, Chief, Security Programs Section,  
Security and Administrative Services Staff (SASS) (attending for  
Mr. Lloyd Bastian).

[redacted] Records Management Division, FBI,  
Document Classification Procedures and Compliance Unit (attending  
for [redacted]).

b6  
b7C

DRC Staff Members Present:

[redacted]

b6  
b7C

Observers:

[redacted] OLC.  
Joseph Wysolmerski, Chief, Personnel, Document and  
Emergency Preparedness Unit, SASS.  
Garnett T. Tunstall, Records Management Division, FBI,  
Chief, Document Classification Review Unit.  
[redacted] Records Management Division, FBI,  
Document Classification Review Unit.  
[redacted] Supervisor, General Investigative  
Division, FBI.  
[redacted] Records Management Division, FBI,  
Secretary, Document Classification Procedures and Compliance Unit.

b6  
b7C

~~CONFIDENTIAL~~

Greenberg/Gray-5603

ENCLOSURE

62-118045-128

~~CONFIDENTIAL~~

Administrative Matter:

Mr. Ulman advised that he had been contacted by Assistant Attorney General Pottinger concerning a letter dated 9/3/76 to the Department from the FBI regarding discussions of classified information pertaining to the Weather Underground by a former Agent with his attorney who had not been cleared for access to such material. Mr. Pottinger advised that the implication of the letter was that the DRC had determined that classification of information concerning break-ins of Weather Underground headquarters was properly classifiable and he wishes a clarification of this ruling. After a discussion, it was decided that Mr. Ulman should inform Mr. Pottinger that the Committee has not made a specific ruling pertaining to surreptitious entries against the Weather Underground, but <sup>has</sup> determined that the investigation of this group is a matter of national security. Furthermore, Mr. Pottinger should be advised that the Committee has specifically determined that information that would reveal live informants or technical surveillance of Weather Underground headquarters is classifiable. (See the  cases.)

b6  
b7c

(U)

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

9/1/76

DEPARTMENTAL REVIEW COMMITTEE (DRC)  
MEETING ON 8/31/76, ROOM 5505, JUSTICE BUILDING

(This is an unofficial report of the above meeting  
prepared for background and reference use only.)

Present as DRC Members:

Leon Ulman, Chairman, Deputy Assistant Attorney  
General (DAAG), Office of Legal Counsel (OLC).  
Robert Keuch, DAAG, Criminal Division.  
Roger Whidden, Special Assistant to the Deputy Attorney  
General (DAG) (attending for Mr. Rudolph W. Giuliani).  
Joseph Wysolmerski, Chief, Personnel, Document and  
Emergency Preparedness Unit, Security and Administrative Services  
Staff (SASS) (attending for Mr. Lloyd Bastian).  
[redacted] General Investigative Division, FBI (FBI  
Document Classification Officer). b6  
b7C

DRC Staff Members Present:

[redacted] b6  
b7C

Observers:

[redacted] OLC.  
[redacted] Personnel, Document and Emergency  
Preparedness Unit, SASS.  
[redacted] General Investigative Division, FBI,  
Document Classification Procedures and Compliance Unit.  
Garnett T. Tunstall, General Investigative Division, FBI,  
Chief, Document Classification Review Unit.  
[redacted] General Investigative Division, FBI,  
Document Classification Review Unit. b6  
[redacted] General Investigative Division, FBI, b7C  
Document Classification Review Unit.  
[redacted] Supervisor, IS-2 Section, General  
Investigative Division, FBI.  
[redacted] General Investigative Division, FBI,  
Secretary, Document Classification Procedures and Compliance Unit.

~~CONFIDENTIAL~~

62-118045-128

ENCLOSURE

Greenberg/Gray-5605

Deliberations:

5. [ ] Family.. The Weather Underground Organization and SDS are national security investigations because of violent activities and threat to our governmental system. In this case only a small group of people could have had knowledge of such information

b6  
b7c



~~CONFIDENTIAL~~

(U) and the "unidentified source" could have been one of these. As this information is fairly recent and the technique is still used and could be pinpointed, classification was upheld. ~~(S)~~

(U) 6. [redacted] family, who is suspected of harboring Weatherman fugitives, run a farm in Massachusetts. The documents in this case were determined to warrant continued classification particularly as a technique is still used and release could reveal sources and methods. ~~(S)~~

b6  
b7C

Greenberg/Gray-5607

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

~~CONFIDENTIAL~~

DEPARTMENT OF JUSTICE

*Memorandum*

TO : J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division

FROM : *JS* Leon Ulman  
Chairman  
Departmental Review Committee

DATE: September 29, 1976

DECLASSIFICATION AUTHORITY FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-07-2009  
FBI INFORMATION ONLY

SUBJECT: Weathermen Classified Documents.

Referring to our telephone conversation of yesterday on the above, I am transmitting herewith a copy of the Committee's minutes dated September 1, 1976, regarding its meeting on August 31, 1976, and a copy of its formal actions on that date concerning the classified FBI documents regarding the Weathermen. The documents covered incidents occurring in 1972 and 1974. The Committee considered an FOI request by the [redacted] family and a similar request by one [redacted]. The Committee upheld the continued classification of the documents on the ground that the FBI investigation of the Weathermen was a proper national security matter and that declassification of the documents in question could result in the disclosure of intelligence sources or methods. See Executive Order 11652, § 5(B)(2). Those sources and methods were confidential live informants and electronic surveillances, and not break-ins. These actions confirmed similar Committee action taken by the Committee on April 8, 1976. We have been unable to locate the records of the Committee's action on that date, but I am certain that such actions did not involve break-ins. (X)

b6  
b7c

(U)

At a meeting of the Committee held on September 28, 1976, I brought to the Committee's attention the substance of your telephone conversation with me. The FBI representative on the Committee, [redacted] conceded that the Committee at no time was presented with the question of documents involving break-ins in the Weathermen case, as may be the implication in the FBI memorandum dated September 23, 1976, a copy of which is attached for your information.

b6  
b7c

If you have any further questions, please let me know.

Greenberg/Gray-5608

~~CONFIDENTIAL~~

62-118045-128

~~CONFIDENTIAL~~

UNITED STATES GOVERNMENT

# Memorandum

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

TO : Paul V. Daly  
Federal Bureau of Investigation

DATE: January 5, 1979

FROM : Francis J. Martin  
Criminal Division

FEDERAL GOVERNMENT

SUBJECT: United States v. Gray, et al

*J. Patrick*

Attached is a list of names and addresses of Bureau officials who attended the SAC conferences at issue in the Gray case. Please mail to each of these officials a copy of the Director's recent airtel advising potential witnesses of the Bureau's and Department's position with regard to pretrial interviews.

1- ENCLOSURE

REC-50

SI 109

62-118045-129

5 JAN 24 1979

*Per conversation with  
Martin 1-8-79 we will  
furnish him copies he  
will send to each  
witness.*

*100 copies furnished  
1-9-79 by  
J. Greenman  
prod*



5010-110

JAN 30 1979

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES GOVERNMENT

# Memorandum

TO : Director  
Federal Bureau of Investigation

DATE: January 2, 1979

FROM : Benjamin R. Civiletti  
Deputy Attorney General

FEDERAL GOVERNMENT

SUBJECT: Potential Witnesses in  
United States v. <sup>Gray</sup> Gray, et al

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 04-07-2009 BY 65179 dmh/baw/sbs

Former Acting Director L. Patrick Gray III and former Bureau officials W. Mark Felt and Edward S. Miller are scheduled to go to trial in late January 1979 on a charge of conspiracy to violate the civil rights of citizens. In the coming weeks both government and defense counsel will be communicating with present and former Bureau employees who are potential witnesses at trial for the purpose of pretrial interviews. All such present and former Bureau employees are hereby authorized to participate in these interviews pursuant to the provisions of Title 28, Code of Federal Regulations, Section 16.21 (which require that they seek the approval of the Justice Department prior to submitting to such an interview).

Both government and defense counsel have been granted security clearances and, accordingly, present and former employees may discuss with them classified information, up to and including Top Secret information. It is likely that at least some interviews on behalf of the defense will be conducted by one or more retired Bureau officials who are working with defense counsel. These retired Bureau officials have the same security clearances as defense counsel and any interviews with them should be considered as interviews with defense counsel.

During the course of any such interviews present and former Bureau employees are free to discuss any aspect of their Bureau work which relate to this case. They must, of course, proceed with sound discretion to ensure that they do not in any way promise Bureau sources. Accordingly, they should not provide information that would identify (a) confidential sources of the Bureau, or (b) the targets of Bureau technical surveillances or of other sophisticated techniques used by the Bureau. However, all such targets in the Weatherman investigation may, of course, be identified.

Xerox copy - MR. MINTZ



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Any inquiries concerning these matters should be handled by your Legal Counsel Division. In order to ensure that there is no inadvertent interference with the rights of the defendants in this case, you should not inform the Department of the identity of any potential witnesses who are contacted by defense counsel.

If there are any questions about this authorization or the method of implementation, please communicate with me.

AIRTEL

1-8-79

To: SAC, Albany

From: Director, FBI

UNITED STATES v. GRAY, ET AL.

*L. Patrick*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 04-07-2009 BY 65179 dmh/baw/sbs

Current and former employees will be contacted by defense counsel in this matter as potential witnesses. In that connection, I would like you to advise all employees of the following:

Deputy Attorney General (DAG) Benjamin R. Civiletti has formally released each such employee or former employee from the Federal regulations that would require prior approval for pre-trial interviews by defense counsel. Mr. Civiletti's memorandum to me (copy attached) also notes that Government and defense counsel in this case have received appropriate security clearance and that such employees or former employees may discuss classified information with them. In addition, all such persons are hereby released from the provisions of their FBI employment agreement that would prohibit them from discussing Bureau work with Government counsel or defense counsel. This release is for the limited purpose of such interviews and is made consistent with the conditions stated in the DAG's memorandum attached. That is, information should not be disclosed "that would identify (a) confidential sources of the Bureau, or (b) the targets of Bureau technical surveillances or of other sophisticated techniques used by the Bureau. However, all such targets in the Weatherman investigation may, of course, be identified." Care should be taken to avoid disclosing information which would compromise ongoing investigations.

MAILED 16

JAN - 8 1979

FBI

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgmt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

Enclosure

2 - All Field Offices (Enclosure)

1 - Mr. Adams (Enclosure)

1 - Mr. McDermott (Enclosure)

1 - Each Assistant Director (Enclosure)

1 - Mr. Boynton (Enclosure)

1 - [redacted] (Enclosure)

1 - [redacted] (Enclosure)

NOTE: The contents of this airtel were discussed with trial attorney Francis J. Martin by SA Paul W. Daly. Existence of security clearances verified by SA [redacted]

PVD jam (19)

b6  
b7C

FBI/DOJ

REC-50

62-118645-131

6 JAN 24 1979

P.V. [redacted] 688

Airtel to Albany

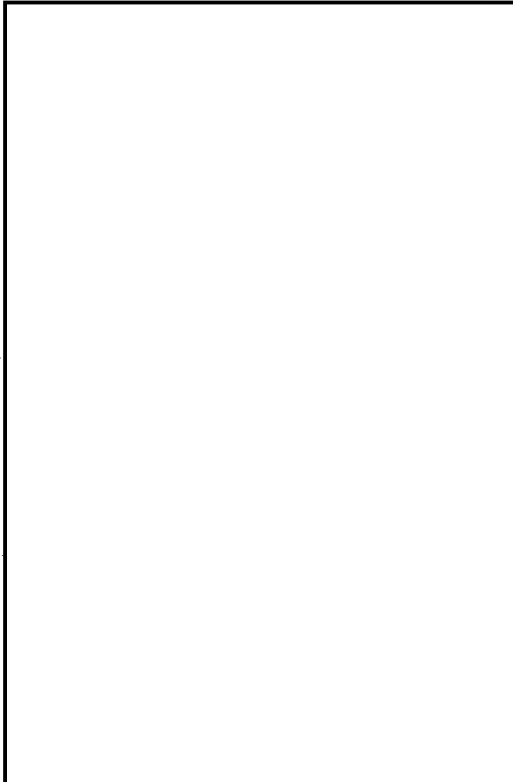
RE: United States v. Gray, et al

Such persons contacted by defense counsel or their designated representatives for the purpose of a pre-trial interview should understand that they are not under a legal obligation to submit to such an interview. Their only legal obligation will be to respond if they are subpoenaed. However, I would personally urge each of you to submit to such interviews on request and to be as cooperative and candid as possible.

Additionally, Government counsel also will be conducting pre-trial interviews. Current employees should be reminded of their continuing obligation to support the Department in its trial preparations. Employees must respond to questions posed to them by Departmental attorneys in the absence of a desire to invoke their Fifth Amendment right against self-incrimination. Should you have any questions concerning these instructions, you should contact the Legal Counsel Division, FBI Headquarters, 202-324-5018.

The following attorneys and former Special Agents possess top secret clearances:

OTHER Pursuant to Sealed Court Order



Airtel to Albany

RE: United States v. Gray, et al

Insure all personnel are aware of this communication and its attachment. It may be duplicated as necessary. Should you be contacted by former FBI employees who have been requested to submit to interview, they may be furnished copies of this communication.

APPROVED:

Director *[Signature]*  
Assoc. Dir. *[Signature]*  
Dep. AD Adm. *[Signature]*  
Dep. AD Inv. *[Signature]*

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. *[Signature]*  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

*pro*



Date of Mail 12-22-78

## Classification of Mail:

- ☐ Unclassified  
☐ Confidential  
☐ Secret  
☒ Top Secret  
☐ SCI

## Mail Category

Letter \_\_\_\_\_ Airtel \_\_\_\_\_  
LHM \_\_\_\_\_ Memo ✓  
Report \_\_\_\_\_ Other \_\_\_\_\_  
Teletype \_\_\_\_\_

Subject L. Patrick GrayOriginator of Material FBI-HQ

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number 62-118045-132

PERMANENT SERIAL CHARGE-OUT

Greenberg/Gray-5624

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION**Memorandum** ~~CONFIDENTIAL~~

TO : The Director

DATE: 12/22/78

FROM : L. Colwell

SUBJECT: JENCKS MATERIAL  
UNITED STATES V. GRAY, ET AL.

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. *ref*  
 Plan. & Insp. *ref*  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

DECLASSIFICATION AUTHORITY DERIVED FROM:  
 FBI AUTOMATIC DECLASSIFICATION GUIDE  
 DATE 04-07-2009

OTHER Pursuant to Sealed Court Order

PURPOSE:

To obtain approval for the forwarding of the signed statements  
 of \_\_\_\_\_  
 Counsel, Office of Professional Responsibility, Department of Justice,  
 as possible Jencks Act material in the case United States v. Gray, et al. (U)

DETAILS:

By communication from Breckinridge L. Willcox, Criminal  
 Division, Department of Justice, to Paul V. Daly, dated 12/15/78, the  
 Department requested all documents reflecting interviews of certain named  
 individuals as possible Jencks Act material in connection with the case  
 United States v. Gray, et al. (U)

The Office of Professional Responsibility, Planning and Inspection  
 Division, has obtained signed statements from two of the named individuals.  
 This Division has classified these two statements in accordance with  
 Executive Order 12065, consistent with current FBI policy. Pursuant to  
 an agreement between Paul V. Daly and the Criminal Division, Daly is  
 classifying relevant Department of Justice documents including interviews  
 of these two individuals and has furnished these documents to Mr. Willcox  
 by separate communication. (U)

Because of the extreme sensitivity surrounding this continuing  
 inquiry and its origin in the Office of Professional Responsibility in the  
 Department of Justice, I believe these statements should be furnished to  
 \_\_\_\_\_ of the Office of Professional Responsibility. However, I  
 suggest we ask he take appropriate steps to prevent their release if at all  
 possible. (U)

Enc. *See* 12/22/78

1 - Mr. Mintz

1 - Mr. Colwell

1 - Mr. Murphy

RCD/imt, (4)

Classified and Extended by 14

Reason for Extension FCIM, II, 1-2.4.2 (2)

Date of Review for Declassification December 22, 1998

CONTINUED - OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



53 JUN 13 1979

b6  
b7cREC-262-118045-1328  
22

MAY 15 1979

FBI/DOJ

~~CONFIDENTIAL~~

Memorandum L. Colwell to The Director  
RE: JENCKS MATERIAL, UNITED STATES V. GRAY, ET AL.

Because of the nature of the inquiry, these two individuals were under compulsion to provide information to this Division. Both individuals face civil litigation and their statements to us were made without the benefit of counsel. Therefore, I believe I should do everything possible to prevent the widespread distribution of their statements. I point out it is likely their statements contain information which will not come out during testimony. (U)

(U) Two paragraphs concerning the FCI SOLO Program have been deleted. E. C. Peterson, Section Chief, CI-1, Intelligence Division, advised any information concerning this program can be disseminated even within the Department of Justice only on Attorney General authority. (S)

RECOMMENDATION:

That the attached communication with enclosures be forwarded  
to

b6  
b7C

APPROVED: *W*

Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Int'l. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
Plan. & Insp. *DE* \_\_\_\_\_  
Rec. Mgmt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

- 2 -

~~CONFIDENTIAL~~

Greenberg/Gray-5626

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

**Counsel**  
**Office of Professional Responsibility, DOJ**

b6  
b7C

December 26, 1978

**Director, FBI**

**JENCKS MATERIAL**  
**UNITED STATES V. GRAY, ET AL.**

~~FEDERAL GOVERNMENT~~

Reference is made to a communication from Breckinridge L. Willcox, Criminal Division, Department of Justice, to Paul V. Daly, captioned as above, dated December 15, 1978, a copy of which is attached.

OTHER Pursuant to Sealed Court Order

Pursuant to the request in referenced memorandum, we are enclosing signed statements of [redacted] obtained by the Office of Professional Responsibility, Planning and Inspection Division, in connection with the administrative inquiry into alleged surreptitious entries conducted by the FBI during the Weatherman investigation. These statements have been classified in accordance with Executive Order 12065, and are being furnished to you for whatever action you deem necessary. Recognizing the dictates of the Jencks Act, I ask you to take appropriate steps to prevent the unnecessary disclosure of these statements. They were made without the aid of counsel and under compulsion and both individuals face possible civil litigation. Further, the statements likely contain information which may not come out during testimony.

Two paragraphs in the statement of [redacted] concerning an ongoing Foreign Counterintelligence investigation have been deleted. Any dissemination of this information within the Department of Justice can occur only with Attorney General approval.

OTHER Pursuant to Sealed Court Order

Paul V. Daly has classified Department of Justice documents concerning interviews of these individuals and is furnishing those documents by a separate communication to Mr. Willcox.

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

**Enclosures (3)**

1 - Mr. Mintz  
1 - Mr. Colwell  
1 - Mr. Murphy

RCDD/mt(6)

NOTE: See memo Colwell to Director, same caption, dated 12/22/78.

**CLASSIFIED MATERIAL ATTACHED**

APPROVED: *W*

Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

*Hand delivered*  
*12:35 p.m. 12/22/78*  
b6  
b7C  
*Red*

MAY 15 1979

FBI/DOJ

## UNITED STATES GOVERNMENT

## Memorandum

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
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 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 1-11-79

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

SUBJECT: UNITED STATES v. L. PATRICK GRAY, ET AL.  
 CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

At 10:04 a.m. on January 11, Alan J. Barón, telephone number 301-547-0500, called and said that he is representing L. Patrick Gray in captioned prosecution. He requested me to arrange interviews for him with Bureau officials at FBI Headquarters. At his request, I have made the following arrangements:

[Redacted] will be interviewed at 12 noon, January 12, 1979, in [Redacted] office.

OTHER Pursuant to Sealed Court Order

RECOMMENDATION:

For information.

APPROVED: *[Signature]*

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_

NOTE: OTHER Pursuant to Sealed Court Order

Mr. Baron called on January 12 and cancelled his request for an appointment that date and requested rescheduling. Arrangements have now been made for the interview of [Redacted] to be at 11 a.m., Tuesday, January 16, in [Redacted] office.

- 1 - Mr. Moore
- 1 - Mr. Mintz
- 1 - Personnel file of [Redacted]

JAM:bpr

(4) OTHER Pursuant to Sealed Court Order



Greenberg/Gray-5628

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

APPROVED:

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_

REC-60

16 JAN 24 1979

79 FEB 02 1979

FBI/DOJ

## UNITED STATES GOVERNMENT

*Memorandum*UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Asso. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 1-11-79

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

SUBJECT: UNITED STATES v. GRAY, ET AL

OTHER Pursuant to Sealed Court Order

At 3:45 p.m., 1-11-79, [ ] called me and said that she has been requested by Allen Baron, counsel to L. Patrick Gray, to be interviewed concerning captioned prosecution. She inquired as to the procedure necessary to obtain clearance for the interview. I furnished [ ] the information in Bureau airtel dated 1-5-79 captioned as above and told her that she was released from her employment agreement for purposes of the interview. I discussed with her the limitations of providing information specified by the Deputy Attorney General in his January 2, 1979, memorandum.

[ ] said that the interview will occur on Monday, January 15, 1979. OTHER Pursuant to Sealed Court Order

RECOMMENDATION:

For information.

APPROVED: *[Signature]*

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_

EX-130

REC-60

62-118045-134

1 - Mr. Mintz

1 - Out-of-service file of [ ]

OTHER Pursuant to Sealed Court Order

JAM:bpr  
(3)

16 JAN 24 1979

Greenberg/Gray-5629



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

79 FEB 02 1979

## UNITED STATES GOVERNMENT

## Memorandum

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 1-11-79

FROM : Legal Counsel *[Signature]*

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

SUBJECT: UNITED STATES v. L. PATRICK GRAY, ET AL.  
 CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

At 10:04 a.m. on January 11, Alan Baron, telephone number 301-547-0500, called and said that he is representing L. Patrick Gray in captioned prosecution. He requested me to arrange interviews for him with Bureau officials at FBI Headquarters. At his request, I have made the following arrangements:

[Redacted] will be interviewed by Mr. Baron at 10 a.m., January 12, 1979, in [Redacted] Office.

OTHER Pursuant to Sealed Court Order

RECOMMENDATION:

For information.

OTHER Pursuant to Sealed Court Order

APPROVED: *[Signature]*

Director

Assoc. Dir.

Dep. AD Adm.

Dep. AD Inv.

Adm. Serv. \_\_\_\_\_

Crim. Inv. \_\_\_\_\_

Ident. \_\_\_\_\_

Intell. \_\_\_\_\_

Laboratory \_\_\_\_\_

Legal Coun. *[Signature]*

Plan. &amp; Insp. \_\_\_\_\_

Rec Mgnt. \_\_\_\_\_

Tech. Servs. \_\_\_\_\_

Training \_\_\_\_\_

Public Affs. Off. \_\_\_\_\_

NOTE:

On January 12, Mr. Baron called and cancelled his request for an appointment on that date and requested rescheduling. Arrangements have now been made for him to interview [Redacted] at 10 a.m., Tuesday, January 16, 1979, in [Redacted] office.

1 - Mr. Adams

1 - Mr. Mintz

1 - Personnel file of [Redacted]

APPROVED: *[Signature]*

Director

Assoc. Dir.

Dep. AD Adm.

Dep. AD Inv.

Adm. Serv. \_\_\_\_\_

Crim. Inv. \_\_\_\_\_

Ident. \_\_\_\_\_

Intell. \_\_\_\_\_

Laboratory \_\_\_\_\_

Legal Coun. *[Signature]*

Plan. &amp; Insp. \_\_\_\_\_

Rec Mgnt. \_\_\_\_\_

Tech. Servs. \_\_\_\_\_

Training \_\_\_\_\_

Public Affs. Off. \_\_\_\_\_

JAM:bpr

(4)

OTHER Pursuant to Sealed Court Order

Greenberg/Gray-5630



7 FEB 02 1979 Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

## UNITED STATES GOVERNMENT

*Memorandum*UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.:  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

TO : The Director

DATE: 1-11-79

FROM : Legal Counsel *L. Patrick*

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 04-07-2009 BY 65179 dmh/baw/sbs

SUBJECT: UNITED STATES v. GRAY, ET AL

OTHER Pursuant to Sealed Court Order

On 1-11-79, [ ] called me and said that he has been requested by Allen Baron, counsel to L. Patrick Gray, to be interviewed concerning captioned prosecution. He inquired as to the procedure necessary to obtain clearance for the interview. I furnished [ ] the information in Bureau airtel dated 1-5-79 captioned as above and told him that he was released from his employment agreement for purposes of the interview. I discussed with him the limitations of providing information specified by the Deputy Attorney General in his January 2, 1979, memorandum.

[ ] said that the interview will occur on Monday, January 15, 1979, at 1:30 p.m., at the Federal Communications Commission, Room 610, telephone 632-6971.

OTHER Pursuant to Sealed Court Order

RECOMMENDATION:

For information.

APPROVED: *Wan*

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_

Legal Coun. *Jam*  
 Plan. & Insp. \_\_\_\_\_  
 Rec Mgnt. \_\_\_\_\_  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_

EX-130

REC-60 62-118045-136

OTHER Pursuant to Sealed Court Order

1 - Mr. Mintz

1 - Out-of-service file of [ ]

16 JAN 24 1979

JAM:bpr

(3)

Greenberg/Gray-5631



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

79 FEB 02 1979



UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

TO : Assistant Director  
Administrative Services Division

FROM : Legal Counsel *[Signature]*

SUBJECT: UNITED STATES v. L. PATRICK GRAY, ET AL.  
CRIMINAL NUMBER 78-000179, DISTRICT OF COLUMBIA

DATE: 1-26-79

b6  
b7C

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

At 9:40 a.m., on January 26, 1979, [redacted] former FBI official, called me and said that he is assisting in the preparation of the defense in captioned prosecution. He requested to be furnished the current office location of several Agents whom he described as being former members of Squad 47 in the New York Office. He said he obtained the names from a letter dated January 17, 1979, from Frank Martin to defense attorneys in the Gray prosecution. [redacted] requested that he be furnished the information telephonically as soon as possible at telephone number [redacted]. A list of names he furnished is attached. [redacted] is included among those identified as having Top Secret clearances for purposes of interviews of FBI employees in the Gray prosecution. See the Director's airtel to SAC, Albany, and all offices captioned as above dated January 8, 1979.

b6  
b7C

## RECOMMENDATION:

That Administrative Services Division determine the current location of those persons on the attached list and appropriately advise [redacted] at telephone number [redacted].

b6  
b7C

*Telephonically advised  
1-29-79  
[Signature]*

b6  
b7C

## APPROVED:

Director \_\_\_\_\_  
Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_

**ENCLOSURE**

Enclosure

1 - Mr. Mintz



JAM:bpr  
(2)

Greenberg/Gray-5632

ST 114 REC-2 62-118045-137

20 FEB 2 1979

OTHER Pursuant to Sealed Court Order

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

[REDACTED] New York  
[REDACTED] Newark  
[REDACTED] Albany - Binghamton  
[REDACTED] - New York  
[REDACTED] Resign 8-31-73  
[REDACTED] NY - BQMRRA  
[REDACTED] Baltimore - Wilmington.  
[REDACTED] Resign 2-11-74  
[REDACTED] - NEWARK  
[REDACTED] Miami - Ft Lauderdale  
[REDACTED] SAN JUAN  
[REDACTED] Detroit - Ann Arbor  
[REDACTED] NY - New Rochelle  
[REDACTED] - OKla City  
[REDACTED] - Detroit.  
[REDACTED] - Resign 2-2-73  
[REDACTED] - NY  
[REDACTED] - St. Louis

Greenberg/Gray-5633

62-118045-135  
ENCLOSURE

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date of Mail

1/30/79

## Classification of Mail:

- ☐ Unclassified  
☐ Confidential  
☐ Secret  
☐ Top Secret  
☒ SCI

## Mail Category

Letter ☒ Airtel \_\_\_\_\_  
LHM \_\_\_\_\_ Memo \_\_\_\_\_  
Report \_\_\_\_\_ Other \_\_\_\_\_  
Teletype \_\_\_\_\_

Subject

L. Patrick Gray

Originator of Material

FBI/HQ

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number

62-118045-138

PERMANENT SERIAL CHARGE-OUT

Greenberg/Gray-5634

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date of Mail 1.22.1979

## Classification of Mail:

- ☐ Unclassified  
☐ Confidential  
☐ Secret  
☒ Top Secret  
☐ SCI

## Mail Category

Letter \_\_\_\_\_ Airtel \_\_\_\_\_  
LHM \_\_\_\_\_ Memo X \_\_\_\_\_  
Report \_\_\_\_\_ Other \_\_\_\_\_  
Teletype \_\_\_\_\_

Subject Gray, L. PatrickOriginator of Material Legal Counsel

This serial has been removed and placed in the Special File Room of Records Branch.

Authority - 62-116065

File Number 62-118045-139

PERMANENT SERIAL CHARGE-OUT

Greenberg/Gray-5635

FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ E F T O  
☐ CLEAR

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 1/3/79

TO: DIRECTOR, FBI  
(ATTN: SA PAUL V. DALY, RECORDS MANAGEMENT DIVISION)

FROM: SAC, CINCINNATI (100-22287) (RUC)

SUBJECT: UNITED STATES vs. L. PATRICK GRAY,  
ET AL;  
DISTRICT OF COLUMBIA,  
CR 78-000179  
BUDED: 1/9/79

Re Bureau airtel, 12/28/78.

b6  
b7C

Enclosed for the Bureau is a certified true copy of the  
birth certificate pertaining to [redacted] DOB  
[redacted] at Cincinnati, Ohio.

2-Bureau (Enc. 1)  
1-Cincinnati

ENCLOSURE  
*[Signature]*

DHV:mjb  
(3)

REC-126

62-118045-146

2/12  
JAN 8 1979

Greenberg/Gray-5636

*Paul V. Daly*  
6888  
*[Signature]*

Approved: *J.K.H. / R.D.*

Transmitted \_\_\_\_\_

(Number)

(Time)

Per \_\_\_\_\_

79 FEB 16 1979

x

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

1/3/79

TO: DIRECTOR, FBI  
(ATTN: SA PAUL V. DALY, RECORDS MANAGEMENT DIVISION)

FROM: SAC, CINCINNATI (100-22287) (RUC)

SUBJECT: UNITED STATES vs. L. PATRICK GRAY,  
ET AL;  
DISTRICT OF COLUMBIA,  
CR 78-000179  
BUDED: 1/9/79

Re Bureau airtel, 12/28/78.

Enclosed for the Bureau is a certified true copy of the birth certificate pertaining to [REDACTED] at Cincinnati, Ohio. DOB [REDACTED]

b6  
b7C

(2) Bureau (Enc. 1)  
1-Cincinnati

DHV:mjb  
(3)

Greenberg/Gray-5638

FBI

## TRANSMIT VIA:

☐ Teletype☐ Facsimile☒ Airtel

## PRECEDENCE:

☐ Immediate☐ Priority☐ Routine

## CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☐ UNCLAS

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 1/5/79

TO: DIRECTOR, FBI (ATTN: SA PAUL V. DALEY,  
RECORDS MANAGEMENT DIVISION)

FROM: SAC, NEWARK (66-3687)

SUBJECT: UNITED STATES  
- AGAINST ~~0~~  
L. PATRICK GRAY,  
ET AL  
USDC, DDC  
78CR000179

Re: Bureau airtel dated 12/28/78.

Enclosed herewith is one copy of a Birth  
Certificate of one [redacted] certified to be true  
by the registrar of the Bureau of Vital Statistics, City of  
Newark, County of Essex, New Jersey.

b6  
b7c

REC-126

62-118045-141  
5 FEB 12 1979

2 - Bureau (Encl.-1)  
1 - Newark  
JLL/kjr  
(3)

ENCLOSURE

Greenberg/Gray-5639

Approved: TJG/100

Transmitted \_\_\_\_\_

(Number)

(Time)

Per \_\_\_\_\_

FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ UNCLAS E F T O  
☐ UNCLAS

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 1/5/79

TO: DIRECTOR, FBI (ATTN: SA PAUL V. DALEY,  
RECORDS MANAGEMENT DIVISION)

FROM: SAC, NEWARK (66-3687)

SUBJECT: UNITED STATES  
- AGAINST -  
L. PATRICK GRAY,  
ET AL  
USDC, DDC  
78CR000179

Re: Bureau airtel dated 12/28/78.

Enclosed herewith is one copy of a Birth Certificate of one [redacted] certified to be true by the registrar of the Bureau of Vital Statistics, City of Newark, County of Essex, New Jersey.

b6  
b7c

CARBON COPY

② Bureau (Encl.-1)  
1 - Newark  
JLL/kjr  
(3)

Greenberg/Gray-5640

Approved:                     Transmitted                     

(Number)

(Time)

Per



FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ AIRTEL

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ UNCLAS E F T O  
☐ UNCLAS

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 1/8/79

TO: DIRECTOR, FBI  
(Attn: SA PAUL V. DALY, Records Management Division)

FROM: SAC, CHICAGO (197-25) (SQ. 15) (RUC)

UNITED STATES V.L. PATRICK GRAY,  
ET AL;  
DISTRICT OF COLUMBIA  
CR 78-000179  
BUDED: 1/9/79

Re FBIHQ airtel to Chicago dated 12/28/78.

b6  
b7C

Enclosed for FBIHQ is one certified copy of the  
Cook County, Illinois birth certificate of [redacted]  
original name [redacted], date of birth [redacted].

REC-126

62-118045-142

5 FEB 12 1979

*See Serial 144*  
(2) - Bureau (Encl. 1)  
1 - Chicago  
WED/dj  
(3)

Greenberg/Gray-5641

ack  
PUD:jmp  
1/24/79  
Approved: JEO/MP

Transmitted \_\_\_\_\_

(Number)

(Time)

Per \_\_\_\_\_

x AIRTEL

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

1/8/79

TO: DIRECTOR, FBI  
(Attn: SA PAUL V. DALY, Records Management Division)

FROM: SAC, CHICAGO (197-25) (SQ. 15) (RUC)

UNITED STATES V.L. PATRICK GRAY,  
ET AL;  
DISTRICT OF COLUMBIA  
CR 78-000179  
BUDED: 1/9/79

Re FBIHQ airtel to Chicago dated 12/28/78.

b6  
b7C

Enclosed for FBIHQ is one certified copy of the  
Cook County, Illinois birth certificate of [REDACTED]  
original name [REDACTED] date of birth [REDACTED]

2 - Bureau (Encl. 1)

1 - Chicago

WED/dj

(3)

Greenberg/Gray-5642

FBI

## TRANSMIT VIA:

☐ Teletype  
☐ Facsimile  
☒ Airtel

## PRECEDENCE:

☐ Immediate  
☐ Priority  
☐ Routine

## CLASSIFICATION:

☐ TOP SECRET  
☐ SECRET  
☐ CONFIDENTIAL  
☐ E F T O  
☐ CLEAR

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-07-2009 BY 65179 dmh/baw/sbs

Date 1/10/79

TO: DIRECTOR, FBI  
 (ATTN: SA PAUL V. DALY,  
 RECORDS MANAGEMENT DIVISION)

FROM: ADIC, NEW YORK (197-39)

SUBJECT: UNITED STATES V. L. PATRICK GRAY, ET AL;  
 DISTRICT OF COLUMBIA, CR 78-000179  
 BUDED: 1/9/79

Re Bureau airtel to New York, 12/28/78.

Enclosed for the Bureau are certified copies of  
 birth certificates for [REDACTED]

Be advised that the City of New York did not  
 require births to be registered officially until 1932.  
 The registered births during [REDACTED]  
 [REDACTED] were searched for all five boroughs;  
 however, no record could be found. The possibility  
 exists that the births were assisted by midwives and no  
 official record was made.

REC-126 62-118645-143

5 FEB 12 1979

2-Bureau (Encls. 3) (RM)  
 1-New York

WEK:km  
 (4)

Greenberg/Gray-5643

Approved: ngw/wzk Transmitted \_\_\_\_\_ (Number) \_\_\_\_\_ (Time) Per \_\_\_\_\_

X

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

1/10/79

TO: DIRECTOR, FBI  
(ATTN: SA PAUL V. DALY,  
RECORDS MANAGEMENT DIVISION)

FROM: ADIC, NEW YORK (197-39)

SUBJECT: UNITED STATES V. L. PATRICK GRAY, ET AL;  
DISTRICT OF COLUMBIA, CR 78-000179  
BUDED: 1/9/79

Re Bureau airtel to New York, 12/28/78.

Enclosed for the Bureau are certified copies of  
birth certificates for [REDACTED]

b6  
b7C

Be advised that the City of New York did not  
require births to be registered officially until 1932.  
The registered births during [REDACTED]  
[REDACTED] were searched for all five boroughs;  
however, no record could be found. The possibility  
exists that the births were assisted by midwives and no  
official record was made.

b6  
b7C

2-Bureau (Encls. 3) (RM)  
1-New York

WEK:km  
(4)

CARBON COPY

Greenberg/Gray-5644

Barnet D. Skolnik  
United States Department of Justice

January 24, 1979

*PVD*  
Paul V. Daly

*J. Patrick*

UNITED STATES VS. GRAY, ET AL.

Reference is made to your memorandum of December 21, 1978, in which you requested we obtain certified copies of birth certificates for certain individuals. Enclosed are certified copies of birth certificates for the following individuals; [REDACTED]

b6  
b7C

[REDACTED] No record could be found for [REDACTED]  
[REDACTED] Records in all five New York City Burroughs were searched.

b6  
b7C

Enclosures (5)

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.:  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

PVD:jmp (4)

*jmp*

*Delivered to Martin*  
*62-118045-1414*  
REC-126

5 FEB 12 1979

Greenberg/Gray-5645

84 FEB 14 '79 MAIL ROOM ☐

~~SECRET~~

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

~~CONFIDENTIAL~~

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. MD  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

TO : Mr. Bassett *WLB*

DATE: 1/10/79

FROM : P. V. Daly *PVD*

CLASS. & EXT. BY 6076 WGH/DB  
REASON-FCIM II, 1-2.4.2 2  
DATE OF REVIEW 1/10/99

SUBJECT: U. S. vs. L. PATRICK GRAY III, ET AL

**PURPOSE:** To advise of the results of discussion with the Department concerning release of Bureau memorandum with the recommended excisions. (U)

**DETAILS:** Reference is made to memoranda Mignosa to Moore dated 12/21/78 and Peterson to Cregar dated 12/22/78. In referenced memoranda the Criminal Investigative and Intelligence Divisions recommended certain material be redacted from Bureau documents being released pursuant to court ordered discovery in this matter. The suggested redactions were discussed with the Director and subsequently with Departmental Attorney Francis J. Martin. Martin requested we consider leaving certain information in the Branigan to Miller dated 5/31/72, captioned "Major Intelligence Programs" which had been previously redacted. The Intelligence Division concurred with the vast majority of Martin's suggested changes. Those changes we could not comply were explained to Martin and he agreed with our position. (U)

Pursuant to an arrangement made by Barnet D. Skolnik on 12/28/78 Assistant General Counsel Philip Buchanan accompanied by Martin reviewed NSA information contained in our documents scheduled for release to the defense attorneys. Buchanan redacted that material NSA wanted to protect. The documents were delivered by me to Martin and Skolnik. These documents will be stored in the Department security vault and be available for review by defense counsel only in the Department vault. Copies of the documents with redactions are attached. That portion of the Branigan to Miller memorandum of 5/31/72 in brackets is what Martin asked we leave in but could not because of the sensitivity of the information. (S)

(U)

4. ENCLOSURE

- 1 - Mr. McDermott
  - 1 - Mr. Bassett
  - 1 - Mr. Cregar
  - 1 - Mr. Moore
  - 1 - Mr. Daly
  - 1 - DIRECTOR'S OFFICE
- PVD:jmh (6)

REC-126

(CONTINUED P-101989)



84 FEB 14 '79

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~CONFIDENTIAL~~  
~~SECRET~~

FBI/DOJ

~~SECRET~~

~~CONFIDENTIAL~~

P. V. Daly to Mr. Bassett Memo  
RE: U. S. vs. L. Patrick Gray III, et al

Al Baron, Gray's Attorney, informed both Martin and myself that Gray was in possession of detailed notes concerning the background information leading to the Al Fatah break-ins. Baron recited generally the contents of the notes and it would appear it is possible to [REDACTED]

(C)

[REDACTED] based on the information in his possession. We as well as CIA have previously expressed the need to protect these sources from disclosure and have redacted information from documents accordingly. Baron stated it is his intent to use this information at trial since he believes it to be essential to Gray's defense. Baron was made aware of the sensitivity of the information and agreed to protect it at this time. He advised he would not disclose the information during the course of his trial preparation. Martin informed me we would have to arrive at a solution to this problem in the immediate future. One solution he suggested was a stipulation as to the nature of the information. This particular matter will be discussed further with Martin. (X)

b1

During the hearing of 12/18/78 before Chief Judge William Bryant concerning the issuance of a protective order, Thomas Kennelly defense counsel discussed an NSA communication. Mike Smith, Assistant General Counsel inquired as to how it was released during discovery, noting that Kennelly's discussion of it disclosed classified information and our agreement with NSA was that classified material would not be released to defense counsel. I determined the document in question was an NSA letter to me explaining the reason a certain NSA document could not be released to the defense. The document as furnished to the defense through the Department was unclassified. The defense attorneys because of their knowledge of the case were able to draw certain conclusions from the document. It was the orally stated conclusions which resulted in the disclosure of the classified information. (X)

(U)

(CONTINUED - OVER)

~~CONFIDENTIAL~~

- 2 Greenberg/Gray-5647

~~SECRET~~

~~SECRET~~

~~CONFIDENTIAL~~

P. V. Daly to Mr. Bassett Memo  
RE: U. S. vs. L. Patrick Gray III, et al

Nonetheless, the document should not have been released and this problem was discussed with Mr. Smith. Steps have been taken to preclude this happening in the future. The Department has cautioned all defense counsel on the need to consult with the Department prior to using documents in open court so they may be apprised as to their sensitivity. This particular document has been placed under seal by the court. (Z)

Martin advised on 1/8/78 that Judge Bryant on that date had postponed the trial date to 3/5/79. (Z)

RECOMMENDATION: None, for information. (Z)

PVD

APPROVED:	Adm. Serv. _____	Legal Coun. _____
Director _____	Crim. Inv. _____	Plan. & Insp. _____
Assoc. Dir. _____	Ident. _____	Rec. Mgnt. <u>Hnd</u>
Dep. AD Adm. <u>MD</u>	Int'l. _____	Tech. Servs. _____
Dep. AD Inv. _____	Laboratory _____	Training _____
		Public Affs. Off. _____

Greenberg/Gray-5648

~~CONFIDENTIAL~~

~~SECRET~~



ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-07-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5649

62-118045-145

ENCLOSURE

~~SECRET~~

8 September 1972

b1

(S)

~~TOP SECRET~~

Mr. Edward S. Miller  
Assistant Director, Domestic Intelligence Division  
Federal Bureau of Investigation

Dear Ed,

b1

(S)

(S)

b1

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
EXEMPTION CODE 25X(1,6)  
DATE 04-07-2009

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Downgraded to ~~Secret~~  
per 60324 uc baw  
3-6-2009

DEC 8 1972

~~SECRET~~

(S)

Greenberg/Gray 5650

~~SECRET~~

(S)



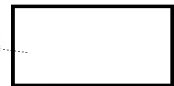
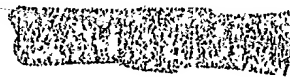
b1

Greenberg/Gray-5651

2



(S)



b1

~~SECRET~~

~~SECRET~~

b1

(S)

Other  Targets

(S)

(S)

b1

(S)

b1

(S)

b1

S

CLASSIFIED BY *1482 Jm*  
EXEMPT FROM GDS CATEGORY *2*  
DATE OF DECLASSIFICATION INDEFINITE

*Pg. 3 Note only - Last 11*

(U)

3

~~TOP SECRET~~

(S)

b1

~~SECRET~~

Greenberg/Gray-5652

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
EXEMPTION CODE: 25X(1)  
DATE 04-17-2009 DATE: June 6, 1972

MR. E. S. MILLER

FROM: W. A. BRANIGAN

SUBJECT: MAJOR INTELLIGENCE PROGRAMS

ORIGINAL ONLY  
DO NOT FILE

TOP SECRET

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED EXCEPT  
WHERE SHOWN OTHERWISE

Mr. Tolson \_\_\_\_\_  
Mr. Boardman \_\_\_\_\_  
Mr. Bishop \_\_\_\_\_  
Mr. Callahan \_\_\_\_\_  
Mr. Casper \_\_\_\_\_  
Mr. Conrad \_\_\_\_\_  
Mr. Felt \_\_\_\_\_  
Mr. Gale \_\_\_\_\_  
Mr. Rosen \_\_\_\_\_  
Mr. Sullivan \_\_\_\_\_  
Mr. Tavel \_\_\_\_\_  
Mr. Trotter \_\_\_\_\_  
Tele. Room \_\_\_\_\_  
Mr. Kinney \_\_\_\_\_  
Mr. Armstrong \_\_\_\_\_  
Ms. Herwig \_\_\_\_\_  
Mrs. Neenan \_\_\_\_\_

Reference is made to memorandum Branigan to Miller dated May 31, 1972, which discussed major intelligence programs formerly conducted by the Bureau but which are now discontinued. On this memorandum Mr. Gray asked the question, "Is there a need now?" //

S

b1

Coverage instituted during World War II enabled us to monitor postal communications directed to official establishments of unfriendly governments. In our society today we see disgruntled persons currently in possession of sensitive classified information threatening to or attempting to furnish such information to a hostile government when that individual becomes disillusioned or in disagreement with U. S. Government policies or procedures. Coverage in some instances could permit us to be in a position of knowing of such activity and being able to readily identify the individuals committing such acts.

Notwithstanding the fact that there is a need for such programs, from a tactical standpoint, as previously pointed out

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(1)

CONTINUED - ONE

ROUTE IN ENVELOPE

SECRET

Greenberg/Gray-5653

(S)

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~~SECRET~~

Memorandum from W. A. Branigan to Mr. E. S. Miller  
RE: MAJOR INTELLIGENCE PROGRAMS

in referenced memorandum, we feel such coverage should be deferred until after the national elections. (U)

b1

ACTION:

For information of the Acting Director (U)

DEAR

EM

AT

Jim

6/7

Jim 8/13

8-43/100

(S)

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- 2 -

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~~TOP SECRET~~

~~TOP SECRET~~

Greenberg/Gray-5654

~~SECRET~~ORIGINAL ONLY  
DO NOT FILE

Tolson \_\_\_\_\_  
 Marshall \_\_\_\_\_  
 Miller, E.S. \_\_\_\_\_  
 Ponder \_\_\_\_\_  
 Soyars \_\_\_\_\_  
 Walters \_\_\_\_\_  
 Tamm, R. \_\_\_\_\_  
 Mr. Hoover \_\_\_\_\_  
 Mr. Armstrong \_\_\_\_\_  
 Mr. DeLoach \_\_\_\_\_  
 Mr. Mohr \_\_\_\_\_

W. A. BRANIGAN

ACT: MAJOR INTELLIGENCE PROGRAMS

On May 30, 1972, Acting Director Gray inquired, "What major intelligence programs, if any, have been abolished?" He also asked for the reasons for their discontinuance and whether these programs should be reinstituted. Specifically, Acting Director Gray asked, "What is necessary to reinstitute them?" (U)

The following are major intelligence programs formerly conducted by the Bureau but which are now discontinued

b1

PROGRAM

(S)

DATE OF DECLASSIFICATION INDEFINITE

31

61

(S)

WAB:hk

(1)

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CONTINUED - OV

b1

ROUTE IN ENVELOPE

EXEMPTED FROM AUTOMATIC

DECLASSIFICATION

AUTHORITY DERIVED FROM:

FBI AUTOMATIC DECLASSIFICATION GUIDE

EXEMPTION CODE 25X(1.6)

~~SECRET~~

DATE 04-08-2008

Greenberg/Gray-5655

HEREIN IS UNCLASSIFIED EXCEPT

~~SECRET~~

SURVEY

Survey was a successful program operated between 1959 and 1966, which involved screening of airmail destined for certain European countries and cities by our Agent personnel in an effort to detect [redacted] illegal agent mail. While thousands of pieces of mail were screened each day, only a limited number were subjected to a detailed examination, including in rare instances opening the mail. Over the years our knowledge of [redacted] operations developed certain criteria which enabled our personnel to be highly selective in developing suspects. The program was made possible through the confidential cooperation (U) of highly placed Postal officials. ~~XX~~

In [redacted] we identified a [redacted] illegal [redacted] [redacted] In [redacted] we uncovered a [redacted] illegal [redacted] who [redacted] under investigation until [redacted] We successfully [redacted] intelligence operation in [redacted] and identified communications directed to a known [redacted] mail drop in [redacted] ~~XX~~

The program was first initiated in New York and was later expanded to Washington, D. C.; Seattle, Washington; Los Angeles, California; and to Detroit, Michigan. It was suspended in all offices except New York and Washington, D. C., (U) in 1963 and was discontinued there in July, 1966. ~~XX~~

Our decision to discontinue these surveys came indirectly as a result of a Senate Committee's (Senator Edward Long's committee) probe into the subject of mail covers. During these committee hearings which took place in March, 1965, our coverage came close but was not dragged into the hearings; however, Senator Long had indicated to the then Attorney General, "There were some Bureau Agents as potential witnesses and that they would take the Fifth Amendment rather than testify as to any national security matter." (S) ~~(S)(C)~~

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Greenberg/Gray-5657



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[REDACTED]

The identification of [REDACTED] illegal agents is one of the most difficult problems that we face. Communications of illegal agents utilizing the mail [REDACTED] *FB9*

(U) It is our judgment that the [REDACTED] Survey should be reinstituted and limited at this time [REDACTED] *FB9*

In order to reinstitute the [REDACTED] Survey, it would be necessary to secure the cooperation of [REDACTED]

(S) [REDACTED] - Inspection, U. S. Postal Service. *FB9*

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b7C

[REDACTED] is a former Bureau Agent [REDACTED] If the cooperation of [REDACTED] could be obtained, it would be necessary for him to procure the assistance of a limited number of Postal Service employees in the [REDACTED]. Bureau personnel would necessarily have to be retrained in recognizing the possible indicators of illegal agent mail. *FB9*

#### Z COVERAGE

(U) Z Coverage was instituted during World War II and enabled us to monitor postal communications directed to official establishments of unfriendly governments. It was continued after World War II and operated against [REDACTED] establishments in New York and Washington, D. C., until it was discontinued in July, 1966. The process of screening this postal correspondence was highly selective and only a limited number of communications were actually opened. *FB9*

One of the most beneficial results of this procedure was the interception of offers of information by military and civilian personnel of the armed services. These communications were never permitted to reach the [REDACTED] establishment and the writers when identified were reported to the appropriate military agency. In mid-1964 we intercepted a letter addressed to the [REDACTED]. The writer expressed a desire to sell information and included a sample of the type of data available to him. It was estimated by Government officials at that time that, if the writer had been able to defect to the *FB9*

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Memorandum from W. A. Branigan to Mr. E. S. Miller  
RE: MAJOR INTELLIGENCE PROGRAMS

[REDACTED] the effects on national security would have:  
(1) been more catastrophic [REDACTED]; (2) represented a cost to the U. S. Government of tens of millions of dollars; and (3) possibly precipitate war [REDACTED].

(U) Z Coverage was discontinued as an indirect result of hearings conducted by Senator Edward Long.

If it is approved to explore the possibility of reinstituting the [REDACTED] Survey, we should at the same time explore reinstituting Z Coverage, both in New York and Washington, D. C. The risks in this program are risks of security both within and outside the organization.

(U) To reinstitute the program it would be necessary to train personnel in screening procedures.

#### PROGRAM

This program involves the screening by Bureau Agent of [REDACTED] of individuals claiming American birth in an effort to identify [REDACTED]. The program was initiated in [REDACTED] after it was determined that certain [REDACTED]

The program was possible because of the cooperation of high officials of the [REDACTED]. The screening process was highly selective based on certain criteria such as [REDACTED]

In [REDACTED] we uncovered [REDACTED] and in [REDACTED] and [REDACTED] we identified [REDACTED] other programs but whose identities [REDACTED] the [REDACTED] Program. In March of 1967 the program was discontinued because it was thought possible that the [REDACTED] had changed their methods of dispatching illegals to the U. S.

(U) In the absence of positive information that the [REDACTED] agents as [REDACTED] we should not reinstitute this program.

In order to reinstitute the program, it would be necessary to secure the high level cooperation of [REDACTED]

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Greenberg/Gray-5659

Security Administration officials. To do this would require re-educating these officials over an extended period of time and it is not believed we have the same positive information now that we had in 1960. X

### BLACK BAG OPERATIONS

(S) [redacted] we formerly on a selective basis obtained intelligence information by surreptitious entry into the residences and offices of espionage subjects, Communist Party functionaries and leaders of other subversive movements. It is believed this should be reinstituted on a highly selective basis wherein important objectives may be achieved. X

b1

### OBSERVATIONS:

The foregoing are the principal areas in which we have curtailed clandestine operations, for the most part since July, 1966. We had similar operations; for example, we had operations similar to SSM Survey which involved mail between the U.S. and Cuba and between the U.S. and Communist China. We feel the programs, such as SSM Survey and Z Coverage, are highly desirable from a counterintelligence standpoint, but certainly recognize there are risks involved (disclosure by people involved or previously involved). For this reason it is believed we should wait to embark upon these projects until after the forthcoming national elections. While disclosure or compromise of these techniques would not be anticipated, the impact of such disclosures prior to November, 1972, compels us to recommend deferment at this time. X

### ACTION:

The foregoing is submitted in response to questions raised by the Acting Director. Questions 4 and 5 have been handled by the Special Investigative Division. (u)

b1

~~TOP SECRET~~

(S)

memo W.A. Blumstein  
to S. S. [redacted] 6/6/72  
WOC/lke

- 6 -

SUGGEST Z COVERAGE  
SURVEY BE NOT REINSTITUTED  
UNTIL DECEMBER 1972

## memorandum

PBH:JHD:TEM:cw

January 12, 1979

Philip B. Heymann  
Assistant Attorney General  
Criminal Division

Unauthorized Disclosure of Classified Information

TO: The Director  
Federal Bureau of Investigation

Reference is made to your memorandum of October 6, 1978 to Ms. Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, captioned "U.S. v. L. Patrick Gray III, et al." Your memorandum provided information concerning the alleged unauthorized disclosure of classified information to the Grand Jury and the defendants' attorneys in the subject case. You requested that a review be made to determine the applicability of 18 U.S.C. § 793, and that a damage assessment be made pursuant to the provisions of 28 C.F.R. § 17.55.

There is attached hereto, for your information, a copy of our memorandum to Ms. Lawton informing her of our conclusion that the information provided to us in this matter does not indicate a possible violation of 18 U.S.C. § 793. In addition, it is our view that the damage assessment should be conducted by the originating agencies, i.e., the FBI, the CIA and the NSA.

It is requested that your Bureau conduct the necessary damage assessment of the disclosure of the pertinent information you originated, and that you request the NSA and the CIA to do the same with regard to their information and furnish their conclusions to your Bureau. The results of the damage assessments should then be referred to [redacted] Counsel, Office of Professional Responsibility.

Attachment

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED

DATE 04-09-2009 BY 65179 dmh/baw/sbs

16 JAN 15 1979

LEGAL COUNSEL

OPTIONAL FORM NO. 10  
(REV. 7-76)  
GSA FPMR (41 CFR) 101-11.6  
5010-112

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan  
Greenberg/Gay 5661



MEMO DR TO HMB, SAME CAPTION  
DR:JF 2/13/79  
ENC - LET TO AAG DRUM DIV  
DR:JF 2-14-79

ENCLOSURE

EX-110

REC-10

62-118045-145X

b6  
b7C

Philip B. Heymann  
Assistant Attorney General  
Criminal Division

PBH:JHD:TEM:cw

January 12, 1979

Unauthorized Disclosure of Classified Information

The Director  
Federal Bureau of Investigation

Reference is made to your memorandum of October 6, 1978 to Ms. Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel, captioned "U.S. v. L. Patrick Gray III, et al." Your memorandum provided information concerning the alleged unauthorized disclosure of classified information to the Grand Jury and the defendants' attorneys in the subject case. You requested that a review be made to determine the applicability of 18 U.S.C. § 793, and that a damage assessment be made pursuant to the provisions of 28 C.F.R. § 17.55.

There is attached hereto, for your information, a copy of our memorandum to Ms. Lawton informing her of our conclusion that the information provided to us in this matter does not indicate a possible violation of 18 U.S.C. § 793. In addition, it is our view that the damage assessment should be conducted by the originating agencies, i.e., the FBI, the CIA and the NSA.

It is requested that your Bureau conduct the necessary damage assessment of the disclosure of the pertinent information you originated, and that you request the NSA and the CIA to do the same with regard to their information and furnish their conclusions to your Bureau. The results of the damage assessments should then be referred to [redacted] [redacted] Counsel, Office of Professional Responsibility.

b6  
b7C

Attachment

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-09-2009 BY 65179 dmh/baw/sbs

Greenberg/Gray-5662

## memorandum

PBH:JHD:TEM:njs

January 12, 1979

## DATE:

REPLY TO  
ATTN OF:

Philip B. Heymann  
Assistant Attorney General  
Criminal Division

## SUBJECT:

Unauthorized Disclosure of Classified Information

## TO:

Mary C. Lawton  
Deputy Assistant Attorney General  
Office of Legal Counsel

ALL FBI INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 04-09-2009 BY 65179 dmh/baw/sbs

Reference is made to your memorandum, dated October 15, 1978 and captioned as above, to the Security Officers of the Civil Rights and Criminal Divisions. Your memorandum had attached a copy of an October 5, 1978 memorandum to you from the Director of the FBI, notifying the Department, pursuant to 28 C.F.R. § 17.55, of the disclosure of classified information to the Grand Jury during the investigation of the United States v. L. Patrick Gray III, et al. case, and that the Grand Jury transcripts containing the classified information have been furnished to defense counsel.

You requested that the Criminal Division undertake the damage assessment required by 28 C.F.R. 17.55, and make an inquiry to determine whether corrective measures and appropriate administrative, disciplinary or legal action should be taken. The memorandum from the Director of the FBI also stated that a review is necessary to determine the applicability of 18 U.S.C. § 793.

We have reviewed the information provided to us and, in our opinion, it does not disclose a violation of 18 U.S.C. § 793. We considered the possible application of § 793(d) which makes it a crime for a person who has authorized possession of information relating to the national defense, which he has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, to willfully communicate it to a person not entitled to receive it.

In the instant case, the FBI properly furnished information relating to the national defense to the Department's attorneys who were investigating alleged violations of Federal criminal laws. The FBI documents did not bear classification markings as required by Executive Order 11652. In turn, the attorneys, in the course of the investigation, routinely used the information in a grand jury and made discovery disclosures to attorneys for the defendants.

cc: The Director, FBI ✓



62-118045-145x 4-DR  
Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Greenberg/Gray-5663  
U.S. Government Printing Office: 1977-241-530/3474

ENCLOSURE

OPTIONAL FORM NO. 10  
(REV. 7-76)  
GSA FPMR (41 CFR) 101-11.6  
5010-112

On these facts, it would not be possible to establish a felonious intent on the part of the Department's attorneys. It is apparent that initial responsibility lies with the FBI to ensure that the information transmitted has the proper classification markings so that it is obvious to the recipients it must be protected in the interest of national security. Because the documents they received from the Bureau did not bear proper markings, as required by the Executive Order and Departmental regulations, it would be difficult to establish that the attorneys were given adequate notice that the information was indeed classified and therefore related to the national defense within the meaning of the Espionage Act. Gorin v. United States, 312 U.S. 19 (1941), United States v. Heine, 151 F.2d 813 (2d Cir. 1945). This would apply notwithstanding the alerting of the attorneys by the FBI that the information they had received was "sensitive." Ostensibly classified information which has been lawfully released by an agency, although inadvertently without appropriate classification markings, may continue to be the subject of administrative protection if it thereafter is properly marked in accordance with Executive Order 11652 (now Executive Order 12065). However, under the circumstances of this case, we do not believe it would be appropriate to form the basis of a criminal prosecution.

In sum, criminal prosecution under 18 U.S.C. § 793(d) would be inappropriate because (1) Bureau Headquarters did not follow the procedures set forth in the Executive Order and Departmental regulations which require that each document bear a classification marking; (2) the attorneys received insufficient notice, and used the information in good faith; and (3) there is a complete lack of criminal intent.

We also considered the possible application of § 793(f)(1), which makes it a crime for a person having lawful possession of information relating to the national defense, through gross negligence, to permit it to be delivered to anyone in violation of his trust. The disclosure of the information to a Grand Jury and the defendants' attorneys in the course of the investigation could not, in our opinion, be shown to be "gross negligence" in violation of the statute. There are no reported decisions defining "gross negligence." It has been defined,

however, in another federal criminal prosecution and, as applied to this matter, would require that we prove that the attorneys acted in wanton or reckless disregard for the security of the documents and that they knew or should have known that such conduct threatened that security. We do not believe that we could prove, beyond a reasonable doubt, that their conduct was grossly negligent within the meaning of the statute.

Having concluded that there is no prosecutable violation of the espionage laws, we turn to the request that we conduct a damage assessment, and determine whether corrective measures and appropriate administrative, disciplinary or legal action should be taken.

We are wholly unqualified to assess the alleged damage that the disclosure caused to the national defense. Clearly, only the originating agencies, which we understand to be the FBI, CIA, and NSA, are able to judge what, if any, damage to the national defense resulted from the disclosure of the information to the Grand Jury and the defendants' attorneys. We believe, therefore, that those agencies should make the damage assessment. We note that the CIA and NSA have been informed of the disclosure and afforded the opportunity to review the transcripts, as has the FBI.

After the damage assessment by the responsible agencies has been completed, we recommend that the results thereof, together with the analysis of the possible criminal violations set forth in this memorandum, be forwarded to the Office of Professional Responsibility for a determination as to what administrative or disciplinary action, if any, should be undertaken.



~~SECRET~~

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

# Memorandum

Assoc. Dir. \_\_\_\_\_  
Dep. AD Adm. \_\_\_\_\_  
Dep. AD Inv. \_\_\_\_\_  
Asst. Dir.: \_\_\_\_\_  
Adm. Servs. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_  
Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_  
Legal Coun. \_\_\_\_\_  
Plan. & Insp. \_\_\_\_\_  
Rec. Mgnt. \_\_\_\_\_  
Tech. Servs. \_\_\_\_\_  
Training \_\_\_\_\_  
Public Affs. Off. \_\_\_\_\_  
Telephone Rm. \_\_\_\_\_  
Director's Sec'y \_\_\_\_\_

TO : Mr. Bassett

DATE: 1/17/79

FROM : P. V. Daly

SUBJECT: UNITED STATES vs GRAY, et al.

PURPOSE: The purpose of this memorandum is to record our transmission to the Department of certain sensitive documents. (u)

DETAILS: On 1/10/78 I met with Paul Michel, Associate Deputy Attorney General; Robert Keuch, Deputy Assistant Attorney General, Criminal Division; Mary C. Lawton, Deputy Assistant Attorney General, Office of Legal Counsel; Barnett D. Skolnik and Francis J. Martin, trial attorneys in this matter. (u)

Skolnik stated that because of the resistance of the National Security Agency to the release of certain documents and information to the defense and ultimately for trial, he could not go forward with the trial in this matter. [REDACTED] b1

(S) [REDACTED] After considerable debate, it was decided that Deputy Attorney General Benjamin Civiletti would meet with officials in the Department of Defense and State Department in an effort to persuade them to release more information for discovery and ultimately for trial. The need to meet with State Department resulted from the impact release of these documents and information would have on our relations (U) with other countries. [REDACTED] REC-126 62-118045-146

Michel requested the Bureau prepare a notebook for Mr. Civiletti's use during these meetings. The notebook was to contain documents in Bureau files identified by the Department as essential for the trial with various redactions. We complied with Michel's request, and on 1/16/78 three copies of the notebook were delivered to the Department and appropriate receipts obtained. The majority of the documents require a compartmented clearance to have access. The following is a list of the documents included in the notebook:

- 1 - Mr. Adams
  - 1 - Mr. McDermott
  - 1 - [REDACTED]
  - 1 - Mr. Bassett
  - 1 - Mr. Cregar
  - 1 - Mr. Mintz
- PVD:nsg (8)

CLASS. & EXT. BY 6076 ZLC/AD  
REASON-FCIM II, 1-2.4.2  
DATE OF REVIEW 1/17/99

b6  
b7C

Greenberg/Gray-5666

CONTINUED-OVER

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

~~SECRET~~

FBI/DOJ

EXEMPTED FROM AUTOMATIC  
DECLASSIFICATION  
AUTHORITY DERIVED FROM:  
FBI AUTOMATIC DECLASSIFICATION GUIDE  
DATE 04-09-2009



84-7814-79

~~SECRET~~

P. V. Daly to Mr. Bassett memo  
Re: United States vs Gray, et al.

1. Uncaptioned memo to file from former Director J. Edgar Hoover dated 4/12/71.
2. W. A. Branigan to E. S. Miller memo dated 5/31/72 captioned Major Intelligence Programs.
3. W. A. Branigan to E. S. Miller memo dated 6/6/72 captioned Major Intelligence Programs.
- (S) 4. Note from E. S. Miller to Felt dated 7/21/72 captioned [REDACTED] (S). b1
- (S) 5. [REDACTED] b1
- (C) 6. W. A. Branigan to E. S. Miller memo dated 10/10/72 captioned [REDACTED] (S). b1
- (S) 7. W. A. Branigan to W. R. Wannell memo dated 2/20/75 captioned Sam Survey, [REDACTED] (S). b1
- (U) 8. E. S. Miller to Felt memo dated 12/1/72 captioned President's Foreign Intelligence Advisory Board. (S)

A copy of the notebook is being retained and will be placed in file with the discovery material. (ZL)

Skolnik announced the next hearing will be 1/26/79 and will be for the purpose of discussing discovery. In particular, the defense will be raising the question of being denied access to certain documents previously ordered produced by the court. Additionally, an order is being drafted for application to the court in the near future placing restraints on what information may be disclosed during the trial through testimony. (ZL)

RECOMMENDATION: For information. (ZL)

APPROVED: <i>Wannell</i>	Adm. Serv. _____	Legal Coun. _____
Director _____	Ext. Aff. _____	Plan. Insp. _____
Asst. Dir. _____	Ident. _____	Rec. Mgmt. <i>HND</i>
Spec. Inv. _____	Intell. _____	Training _____
Adm. Serv. _____	Lab. _____	Public Aff. _____

Greenberg/Gray-5667

~~SECRET~~

## UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION*Memorandum*

Asst. Dir. \_\_\_\_\_  
 Dep. AD Adm. \_\_\_\_\_  
 Dep. AD Inv. \_\_\_\_\_  
 Asst. Dir.: \_\_\_\_\_  
 Adm. Servs. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Ident. \_\_\_\_\_  
 Intell. \_\_\_\_\_  
 Laboratory \_\_\_\_\_  
 Legal Coun. \_\_\_\_\_  
 Plan. & Insp. ☒  
 Rec. Mgnt. ☒  
 Tech. Servs. \_\_\_\_\_  
 Training \_\_\_\_\_  
 Public Affs. Off. \_\_\_\_\_  
 Telephone Rm. \_\_\_\_\_  
 Director's Sec'y \_\_\_\_\_

TO : Mr. Bassett *WBF*  
 FROM : *per* P. V. Daly *L. Patrick*  
 SUBJECT: *CS* UNITED STATES VS. GRAY, ET AL,;

DATE: 1/19/79  
*4/P. Daly*

PURPOSE: The purpose of this memorandum is to advise of receipt a draft supplementary protective order the Department intends to file with the Court on or about 1-23-79.

DETAILS: Barnet D. Skolnik, prosecuting attorney, furnished a draft supplementary protective order which the Government intends to file on or about 1-23-79. The draft order seeks to protect against the unnecessary disclosure of classified material during trial. Under the proposed order classified material will not be disclosed until the Government has had the opportunity to consult with the interested agency or Bureau.

Skolnik requested we advise him of any "serious" problems we may have with the proposed order. He has also requested NSA and CIA to do likewise. Legal Counsel, Criminal Investigative and the Intelligence Divisions should review the attached order so we may comply with Skolnik's request.

RECOMMENDATION: Legal Counsel, Criminal Investigative and the Intelligence Divisions review the proposed order and advise SA Paul V. Daly by close of business 1-22-79 of observations they may have in line with Skolnik's request.

*WBF*  
ENCLOSURE

REC-126

62-118045-147

5 FEB 12 1979

Enc.

- 1 - Mr. Adams
- 1 - Mr. McDermott
- 1 -
- 1 - Mr. Bassett
- 1 - Mr. Cregar
- 1 - Mr. Moore
- 1 -

b6  
b7C

APPROVED:

Director \_\_\_\_\_  
 Assoc. Dir. \_\_\_\_\_  
 Dep. AD Adm. *WBF*  
 Dep. AD Inv. *WBF*

Adm. Serv. \_\_\_\_\_  
Crim. Inv. \_\_\_\_\_Ident. \_\_\_\_\_  
Intell. \_\_\_\_\_  
Laboratory \_\_\_\_\_

Legal Coun. \_\_\_\_\_

Plan. &amp; Insp. \_\_\_\_\_

Rec. Mgnt. *WBF*

Tech. Servs. \_\_\_\_\_

Training \_\_\_\_\_

Public Affs. Off. \_\_\_\_\_

ALL INFORMATION CONTAINED  
 HEREIN IS UNCLASSIFIED  
 DATE 04-09-2009 BY 65179 dmh/baw/sbs

PVD:flr (9)  
*WBF*

Greenberg/Gray-5668

84 1479



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

FBI/DOJ

SUPPLEMENTARY PROTECTIVE ORDER

BDS  
DRAFT # 2  
1/16/79

This matter comes before the Court upon the motion of the United States for a Supplementary Protective Order to establish reasonable and fair procedures for conducting the trial of this case in such manner as to ensure both that the defendants receive a full and fair trial and that there is no public disclosure at trial which would be harmful or potentially harmful either to the security of the United States or to the conduct of the foreign policy of the United States.\* / As used herein, the term "classified National Security document" carries the same definition as that set forth in the Protective Order issued in this case on December 22, 1978.

The Court having considered the matter, pursuant to the inherent power of the Court

IT IS HEREBY ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 1979,  
that:

PART ONE: NOTICE

1. Except as modified by paragraphs 2 and 3 herein, counsel for each defendant shall notify the Court and government

\* / The government has notified the Court and defense counsel of certain subject matters involving classified National Security documents which subject matters the government believes will arise at trial. As to those subject matters, the Court is having the parties litigate, separate and apart from this Supplementary Protective Order, questions pertaining to the proper treatment of those subject matters at trial. Rulings as to such proper treatment will be made by this Court pursuant to that litigation. The procedures mandated herein, therefore, do not apply to those subject matters, except insofar as a defense counsel may become aware hereafter of any aspect of any such subject matter which aspect he intends to raise at trial but which aspect has not yet been litigated.

counsel, in writing, on or before February 5, 1979, of those subject matter which

(A) either involve classified National Security documents or are known or believed by defense counsel to involve any data which are to any degree under a National Security classification, and

(B) are intended by counsel for such defendant to be raised in any way at trial.

2. As to any such classified subject matter about which defense counsel do not wish to notify government counsel prior to trial, because of a good faith belief that such advance notice to government counsel might interfere with a defendant's right to a full and fair trial, such defense counsel may notify only the Court, in writing, on or before February 5, 1979. The writing shall also set forth the reasons for such good faith belief by such defense counsel. The Court will then decide whether or not to defer notice to government counsel ( and litigation under Part Two below) in light of all relevant factors, including the extent to which the classified documents and/or data are already known to government counsel. The reasons for the Court's decision as to whether or not to defer notice to government counsel (and litigation under Part Two below) will be set forth by the Court on the record; in the event the decision is to defer, that portion

of the record shall not be disclosed to government counsel until after a verdict in the case has been reached.

3. As to any such classified subject matter which defense counsel are unaware, as of February 5, 1979, is one which they intend to raise at trial, they shall notify the Court and/or government counsel (in accordance with the procedures set forth in paragraph 2 above) as soon as they become so aware.

#### PART TWO: LITIGATION OF ADMISSIBILITY

Litigation of the proper treatment to be accorded at trial to each classified subject matter shall be conducted under seal and in camera. Such litigation will be conducted as soon as possible after receipt of notice by government counsel, under Part One above, subject to the right of the Court to defer such litigation if necessary to ensure a full and fair trial for each defendant. Defense counsel shall, in the course of such litigation, be required to disclose to government counsel the specific defense trial plans for a classified subject matter only to the extent that such disclosure will not interfere with each defendant's right to a full and fair trial. If a defense counsel wishes, in accordance with that standard, to postpone disclosure to government counsel of all or any part of the specific defense trial plans for a classified subject matter, defense counsel may explain his reasons therefore to the Court ex parte. If the Court agrees that such,

disclosure of such plans should be postponed, the Court will decide the litigated issues (regarding proper trial treatment of a classified subject matter) on that basis, or will defer decision on the litigated issues, or will take whatever other steps are deemed by the Court to be just and fair. The Court will decide the litigated issues in writing, with as much precision as possible under the circumstances pertaining at the time of such decision, so as to enable the government to proceed, under Part Three below, with as much precision as possible.

PART THREE: GOVERNMENT CONSIDERATION OF OPTIONS

Following the Court's decision as to each litigation under Part Two above, government counsel will be given reasonable time under the circumstances to consult with interested government agencies and officials with regard to the options then available to the government as a result of such decision. In each such case, the Court will allow the government such time as is reasonable in light of the complexity and sensitivity of the subject matter involved. Until government counsel have reported back to the Court and final resolution of the situation has been reached, nothing which constitutes the classified subject matter of any litigation hereunder shall be admitted into evidence at trial or otherwise publicly disclosed or discussed in any way.

PART FOUR: GENERAL PROVISION

All procedures mandated herein will be conducted for each defendant separately, without the involvement of counsel for any other defendant, as to any subject matter or issue with regard to which any defendant demands such separated procedures.

UNITED STATES DISTRICT JUDGE

Greenberg/Gray-5673



*Memorandum*

Mr. Philip B. Heymann  
Assistant Attorney General  
Criminal Division

DATE: January 23, 1979

Mary C. Lawton  
Deputy Assistant Attorney General  
Office of Legal Counsel

Unauthorized Disclosure of Classified Information

*L. Patrick Gray*

Your memorandum to me of January 12, 1979 concludes that the unauthorized disclosure of classified information in the course of the United States v. Kearney and United States v. Gray cases does not warrant prosecutive action under the espionage laws. While I concur in the conclusion, I consider it important to correct some misunderstandings reflected in your memorandum.

First, as I noted in my October 6, 1978 memorandum, the disclosure which primarily raised the question of an espionage law violation involved a document which indicated on its face that it contained communications intelligence information. This document was read, in part, to the Grand Jury.

Secondly, the attorneys for the government should have been on notice that the documents contained classified information. As the attached copy of an October 20, 1978 memorandum from [ ] of the FBI notes, the question of reviewing documents for proper classification markings was raised at the outset of the investigation. At that time the FBI was refused the opportunity to review and mark classified information. I agree that the responsibility for not marking the documents at the time of origin lies with the FBI, but it did seek the opportunity to mark them prior to transmittal outside the FBI and put the government attorneys on notice that the documents in question might well contain classified information. Further, on February 10, 1978, the FBI notified the new prosecution team that documents in their possession did, in fact, contain

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Greenberg/Gray-5674

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Form OBD-197  
MAY 1978

59 JUN 18 1979

MEMO DR TO HMB, SAME CAPTION  
DR: IF 2-13-79  
ENCLOSURE LET. TO AAG, CRIM DIV  
DR: 2-14-79



classified information up to and including top secret. See copy attached. Accordingly, I would question the conclusion that the attorneys had insufficient notice of the classification of the material in their possession.

I repeat that I do not disagree with the conclusion that prosecution is inappropriate but I think it should be made clear that notice was given to the prosecutors at various stages of these cases.

cc: Honorable William H. Webster  
Director  
Federal Bureau of Investigation

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
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No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 56

Page 31 ~

Pursuant to Sealed Court Order

Page 39 ~

Pursuant to Sealed Court Order

Page 40 ~

Pursuant to Sealed Court Order

Page 41 ~

Pursuant to Sealed Court Order

Page 42 ~

Pursuant to Sealed Court Order

Page 43 ~

Pursuant to Sealed Court Order

Page 44 ~

Pursuant to Sealed Court Order

Page 45 ~

Pursuant to Sealed Court Order

Page 46 ~

Pursuant to Sealed Court Order

Page 47 ~

Pursuant to Sealed Court Order

Page 48 ~

Pursuant to Sealed Court Order

Page 49 ~

Pursuant to Sealed Court Order

Page 50 ~

Pursuant to Sealed Court Order

Page 51 ~

Pursuant to Sealed Court Order

Page 52 ~

Pursuant to Sealed Court Order

Page 53 ~

Pursuant to Sealed Court Order

Page 54 ~

Pursuant to Sealed Court Order

Page 56 ~

Pursuant to Sealed Court Order

Page 57 ~

Pursuant to Sealed Court Order

Page 58 ~

Pursuant to Sealed Court Order

Page 59 ~

Pursuant to Sealed Court Order

Page 60 ~

Pursuant to Sealed Court Order

Page 61 ~  
Pursuant to Sealed Court Order  
Page 62 ~  
Pursuant to Sealed Court Order  
Page 63 ~  
Pursuant to Sealed Court Order  
Page 64 ~  
Pursuant to Sealed Court Order  
Page 65 ~  
Pursuant to Sealed Court Order  
Page 66 ~  
Pursuant to Sealed Court Order  
Page 67 ~  
Pursuant to Sealed Court Order  
Page 68 ~  
Pursuant to Sealed Court Order  
Page 69 ~  
Pursuant to Sealed Court Order  
Page 70 ~  
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Page 71 ~  
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Page 72 ~  
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Page 73 ~  
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Page 74 ~  
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Page 75 ~  
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Page 76 ~  
Pursuant to Sealed Court Order  
Page 77 ~  
Pursuant to Sealed Court Order  
Page 78 ~  
Pursuant to Sealed Court Order  
Page 79 ~  
Pursuant to Sealed Court Order  
Page 111 ~  
Pursuant to Sealed Court Order  
Page 122 ~ Duplicate  
Page 153 ~  
Pursuant to Sealed Court Order  
Page 156 ~ Duplicate  
Page 177 ~  
Pursuant to Sealed Court Order  
Page 178 ~  
Pursuant to Sealed Court Order  
Page 179 ~  
Pursuant to Sealed Court Order  
Page 180 ~ Duplicate

Page 181 ~  
Pursuant to Sealed Court Order  
Page 182 ~  
Pursuant to Sealed Court Order  
Page 183 ~  
Pursuant to Sealed Court Order  
Page 184 ~  
Pursuant to Sealed Court Order  
Page 185 ~  
Pursuant to Sealed Court Order  
Page 215 ~ b6, b7C  
Page 236 ~ b1